

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 60

AN ORDINANCE

To amend in its entirety Ordinance No. 28 as amended by Ordinance No. 36 to establish refuse and garbage classifications; to regulate the removal of refuse; to regulate the dumping, burning, burying and accumulation of refuse and litter; to regulate the distribution of handbills; and for other purposes:

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 Approved Container. Approved container shall mean and include standard containers and special containers, all of which must be maintained in a state of good repair.

1.2 Ashes. Ashes shall mean and include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

1.3 City. City shall mean the City of Lookout Mountain, Georgia, a municipal corporation, chartered under the laws of the State of Georgia.

1.4 Collector. Collector shall mean and include any person, firm, or corporation that engages in the business of collecting, transporting, or disposing of any refuse within the city.

1.5 Commercial handbill. Commercial handbill shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of

literature advertising any product, commodity or thing for sale, promoting any business, mercantile or commercial establishment, promoting any event of any kind for which an admission fee is charged except in those instances where the admission fee is for the sole purpose of defraying the cost of the event, or consisting of predominantly advertising material for the private benefit and gain of the distributor of the material.

1.6 Dwelling Unit. Dwelling unit shall mean a house or other structure or a portion of any building or structure designed, arranged and used for living quarters for one or more persons living in a single house keeping unit with cooking facilities.

1.7 Garbage. Garbage shall mean and include all putrescible and non-putrescible wastes, except sewage and body wastes resulting from the handling, preparation, cooking or consumption of food, tin cans, glass, paper or other containers, newspapers, and vegetable and animal offal.

1.8 Leaves. The word "leaves" includes grass, leaves, clippings, twigs, nuts and other substances usually handled along with leaves.

1.9 Litter. Litter shall mean "refuse" as defined in this section, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

1.10 Multiple Dwelling. Multiple Dwelling shall mean a building designed for and containing three (3) or more dwelling units.

1.11 Newspaper. Newspaper shall mean any newspaper of general circulation, as defined by general law, any newspaper duly entered with the post-office department of the United States, and, any periodical or current magazine regularly published with not less than four (4) issues each year and sold to the public.

1.12 Noncommercial handbill. Noncommercial handbill shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

1.13 Person. Person shall mean any individual corporation, partnership, association or other body.

1.14 Public place. Public place shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

1.15 Refuse. Refuse shall mean and include "garbage," "leaves," and "trash."

1.16 Special container. Special container shall mean and include a container having a capacity of not over eight (8) cubic yards, so constructed that the container can be handled by the collector, and having a tight fitting cover or closure.

1.17 Standard container. Standard container shall mean and include a watertight plastic or metal container with handles or bails, having a tight-fitting cover, weighing not over thirty-five (35) pounds when empty and not over one hundred (100) pounds when filled, and having no more than a thirty-two (32) gallon capacity.

1.18 Trash. Trash shall mean and include all non-putrescible waste materials, except ashes and garbage, from all public and private residences and establishments.

## SECTION 2. ADMINISTRATION AND ENFORCEMENT OF ORDINANCE.

### 2.1 Right of City to acquire and operate removal system.

The City shall have the exclusive right to operate and maintain within the corporate limits of the City, either through its own forces or through a contractor, a refuse removal system for the purpose of providing refuse removal services for the

use and benefit of its residences. No person other than the City or its collector shall engage in the business of refuse removal or disposal for the residences of this city.

2.2 Rules and regulations for operation and maintenance of removal system. The City shall promulgate and establish rules and regulations governing the operation and maintenance of the refuse removal system. These rules and regulations shall be kept on file, open to the public, at City Hall.

Nothing in this Ordinance shall be deemed to affect the validity of such rules and regulations and the same are hereby recognized as continuing in full force and effect.

SECTION 3. REFUSE ACCEPTABLE FOR COLLECTION.

3.1 Acceptable Refuse.

(A) Garbage, ashes and trash shall constitute acceptable refuse for collection by the collector. Dangerous materials or substances such as poisons, acids, caustics and explosives; materials resulting from the repair excavation or construction of buildings such as earth, plaster, etc; and solid wastes resulting from industrial processes constitute refuse unacceptable for collection by the collector.

(B) Leaves shall constitute acceptable refuse for collection but trees, bushes, brush and any and all types of vegetation cut by commercial tree trimmers, landscapers or building contractors shall constitute refuse unacceptable for collection by the collector.

3.2 Responsibility for Unacceptable Refuse. Any person responsible for refuse not acceptable for collection by the collector shall make such arrangements as may be necessary for the collection and disposal of such unacceptable refuse, and in no case shall such unacceptable refuse be stored for more

than seven (7) days by any person prior to the disposal of same.

SECTION 4. PREPARATION AND STORAGE OF ACCEPTABLE REFUSE.

4.1 Gargage, ashes and trash.

(A) Owners of single dwelling units shall store garbage, ashes and trash in standard containers, which shall at all times be maintained in a good state of repair and shall be kept readily accessible to the collector. Each owner shall prevent the continued, excessive and unsightly accumulation of refuse upon the property occupied by him or any public place adjoining his property.

(B) The owners of any commercial establishment and the manager of any multiple dwelling unit shall store garbage, ashes and trash in special containers and said special containers shall be placed in a location approved by the city. Cardboard boxes shall be flattened before being placed in any special container. The owner of any commercial establishment and the manager of any multiple dwelling unit shall maintain the area surrounding such commercial containers clean and free of accumulations of refuse.

4.2 Leaves. The owner of any single dwelling unit and the manager of any multiple dwelling unit shall cause all leaves thereon to be accumulated for collection on the property of such owner or manager immediately adjacent to a street or other public place in such a manner as to facilitate collection of said leaves by the collector.

SECTION 5. COLLECTION OF ACCEPTABLE REFUSE.

5.1 Single Dwelling Units. Garbage, ashes and trash shall be collected from the owner of a single dwelling unit in accordance with the classification of said owner as hereinafter provided in

Section 8 of this Ordinance. If within Classification I said owner shall receive two day a week backdoor garbage, ash and trash service and shall receive bi-weekly leaf service. If within Classification II said owner shall receive one day a week backdoor garbage, ash, and trash service and shall receive bi-weekly leaf service. An owners classification shall be as determined from time to time by the Council of the City on the recommendation of the Board of Reclassification as hereinafter provided.

5.2 Commercial establishments and multiple dwelling units.

The owner of any commercial establishment and the manager of any multiple dwelling unit shall receive such garbage, ash and trash service as may be agreed upon from time to time by such owner or manager, as the case may be, and the City or its collector and any multiple dwelling unit shall receive bi-weekly leaf service.

5.3 Unacceptable refuse. The collector shall not be responsible for collecting unacceptable refuse as defined in Section 3.1 hereof.

5.4 Discontinuance of service. Collection service shall be discontinued where standard or special containers are inadequate or unfit and notice of such inadequacy or unfitness has been given as hereinafter provided to the owner or manager of the premises who has refused to correct the situation then existing.

SECTION 6. DISPOSAL OF REFUSE BY CITY AND ITS COLLECTOR.

6.1 Vehicles transporting refuse. All vehicles used for the collection and transportation of refuse must be so constructed, maintained and operated as to be easily cleaned and so as to prevent spilling, leaking, falling or scattering of

refuse in the course of the operation of removing same.

6.2 Disposal site. The City and its collector shall dispose of refuse only by the most sanitary method possible, and only in such areas as may from time to time be designated as approved disposal sites by the State of Georgia. The City shall pay such fees as may be assessed for the use of such approved disposal facilities.

SECTION 7. CHARGES FOR SERVICES RENDERED BY REMOVAL SYSTEM.

7.1 Fees and charges.

The fees and charges for refuse removal services rendered single dwelling units, both Classification I and II, shall be as established from time to time by the Council of the City. Fees and charges for refuse removal services rendered any commercial establishment or any multiple dwelling unit shall be as agreed upon from time to time by the owner of such commercial establishment or the manager of such multiple dwelling unit, as the case may be, and the City.

7.2 Assessment of fees and charges.

(A) The fees and charges for refuse removal services rendered single dwelling units shall be added to the City ad valorem tax bills for each calendar year and shall constitute a lien against the property so charged in the same manner, with like effect, and effective at the same time as the City ad valorem tax lien.

(B) The fees and charges for refuse removal service rendered any commercial establishment or any multiple dwelling unit shall be payable on April 1, July 1, October 1 and January 1 of each year following the rendering of such service for the preceding quarter; provided, however, payment for such service may be made at such other time and on such other terms and conditions as the City may agree.

SECTION 8. GARBAGE CLASSIFICATIONS OF OWNERS OF SINGLE DWELLING UNITS. There shall be two classifications of owners of single dwelling units and such classifications shall receive the refuse removal service heretofore described in Section 5.1 of this Ordinance. All owners of single dwelling units are hereby classified under Classification I unless approved for reclassification to Classification II by the Council of the City under the procedures hereinafter set forth.

8.2 Eligibility for Reclassification. It is the intention of the Council of the City to provide relief for owners of single dwelling units within the City which are determined not to produce enough refuse to justify two day a week refuse removal service. In determining whether a single dwelling unit should be entitled to be reclassified, in addition to the requirement that such residence generate less refuse than is necessary to require two day a week refuse removal service, the Council of the City shall take into consideration the following factors:

- (1) Age of Applicant.
- (2) Combined gross income of Applicant and members of Applicant's immediate family.
- (3) Physical disabilities of Applicant and immediate family members.
- (4) The relatively small size of lot and dwelling unit of Applicant in comparison with other lots and dwelling units in the City.
- (5) Number of occupants of Applicant's dwelling unit.
- (6) Factors affecting reduced refuse generation.

8.3 Creation and Duties of Board of Reclassification.

(A) There is hereby created a Board of Reclassification which shall be composed of five (5) members, all residents of the City to be appointed by the Council of the City to hold office for a term of two years each.

(B) It shall be the responsibility of the Board of Reclassification to receive, investigate and make recommendations



regarding applications for reclassification hereunder. All applications received shall be investigated and reports rendered to the Council of the City no later than sixty (60) days after receipt. The Board shall promulgate and establish its own rules and regulations, consistent with the City Ordinances, governing its meetings and procedures and shall furnish the City Clerk with copies of all such rules and regulations.

(C) In making recommendations, the Board shall take into consideration the factors set forth in Section 8.2 hereof, and all recommendations by the Board shall be made only upon the majority vote of a quorum present and voting.

(D) Any report and recommendation by the Board to the Council of the City shall not be binding upon the Council of the City but all action of the Council of the City upon such reclassification application shall be final and binding upon the Applicant and not subject to further administrative review.

8.4 Procedure for Application. Owners of single dwelling units desiring reclassification shall submit applications on forms to be furnished by the Board and shall complete all such forms in reasonable detail. Such application shall authorize the Board and the City to investigate any information furnished in the application to determine its accuracy and completeness. All applications shall be delivered to the Chief of Police of the City and warranted and subscribed as true and correct in person before the Chief of Police or his appointed representative. No applicant, once rejected, may re-apply more frequently than annually. All adults residing in the dwelling unit which are the subject of the application must join in the application and furnish the information required.

8.5 Duration of Classification. Whenever there is any change in occupancy of any dwelling unit, other than vacating by one or more previous occupants without any new persons becoming an occupant, or any substantial increase in refuse

generation at any dwelling unit, such dwelling unit shall, after thirty (30) days' written notice to the occupants, revert to Classification I unless application is made and granted for such dwelling unit to retain the Classification II status.

8.6 Vacant dwelling unit - rebate of fees. Upon application, fees and charges for refuse removal service will be rebated for each month a dwelling unit is vacant, if no refuse removal service is required, but only if such dwelling unit is vacant for three (3) consecutive months or more. Applications shall be made quarterly for the preceding quarter. Failure to file an application within three (3) months after the quarter for which the rebate is desired will constitute a waiver of the right of rebate herein granted for such quarter.

SECTION 9. REGULATION OF PRIVATE TRANSPORTATION OF DISPOSAL OF REFUSE.

9.1 Transportation of refuse. It shall be unlawful for any person other than the collector for the City to collect and haul refuse other than that arising from his own accumulation within the City. No person shall transport into or cause to be transported into the City any refuse for the purpose of depositing such refuse upon any ground or public place within the City.

9.2 Disposal of refuse. It shall be unlawful for any person to dump or cause to be dumped any refuse anywhere in the City except as may be permitted by the City in approved refuse disposal sites; provided, however, nothing herein shall be construed to prevent the dumping on private property with the owner's permission of refuse material suitable for use as a fill to raise the elevation of the land provided that the same is not maintained in an unsightly condition.

9.3 Disposal of refuse by burning. It shall be unlawful, except upon special permit issued by the Chief of Police, to

burn any refuse, including leaves, or litter or other substances of any kind; provided, however, nothing herein shall be construed to prevent the burning of charcoal, wood and kindling for cooking purposes in properly constructed and supervised barbecue pits and other outdoor cooking facilities.

SECTION 10. REGULATION OF LITTER.

10.1 Deposit of litter on private property. No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any other private property.

10.2 Deposit of litter on vacant lots. No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

10.3 Deposit of litter on public place; litter from vehicles. No person, whether a driver or passenger in a vehicle or otherwise, shall throw or deposit litter upon any sidewalk, street or other public place within the City or upon any private property nor permit others to do so. Each occupant of any vehicle from which litter is thus thrown or deposited by any person shall report the same immediately to the City police, failing which he or she shall become an accessory and punishable as and for a misdemeanor.

10.4 Deposit of litter in fountains, lakes, etc. No person shall throw or deposit litter, including without limitation, soaps, detergents or other substances, in any fountain, pond, lake, stream, or any other body of water within the City.

(B) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place.

11.5 Posting of notices and handbills. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp-post, public utility pole, shade tree or traffic sign, within any right-of-way for any street or road, or upon any public structure or building, except as may be authorized or required by law.

SECTION 12. NOTICE AND CORRECTION OF VIOLATIONS OF ORDINANCE.

12.1 Notice.

(A) Whenever the Council of the City determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, they shall give notice of such alleged violation to the person or persons responsible therefor. Such notice shall:

- (i) Be put in writing.
- (ii) Include a statement of the reasons why it is being issued.
- (iii) Be served upon the owner or his agent or the occupant of the premises where the alleged violation took place.
- (iv) Allow a reasonable time for the performance of any act required by such notice.

(B) The notice provided for in subsection (A) may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance. If such

corrective action is not taken, the City Council may correct the same and, upon completion of the work, shall determine the reasonable cost thereof and bill the owner or tenant therefor.

12.2 Emergency Action. Whenever the Council of the City finds that a situation exists which endangers the public health it may, as an emergency measure, correct the same without any notice to the owner or occupant of the premises and, upon completion of the work, determine the reasonable cost thereof and bill the owner or tenant therefor. This charge shall constitute a lien upon the property where the corrective measure is taken and such lien shall be enforced as are other ad valorem tax liens of the City.

12.3 Violating a misdemeanor. A violation of this Ordinance shall constitute a misdemeanor and be punishable as provided in Section 1-8 of the Code of Ordinances of the City.

12.4 Additional remedies. The provisions of this section 12 are not exclusive but cumulative and shall be in addition to the penalties imposed for a violation of this Ordinance. The notice provided for herein shall not be a prerequisite to prosecution for violating any provision of this article.

### SECTION 13. MISCELLANEOUS.

13.1 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 the City of Lookout Mountain, Georgia, and the sections of this Ordinance may be renumbered to accomplish that intention.

13.2 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.

13.3 Repealer. All other ordinances or parts thereof heretofore enacted by the City, including but not by way of limitation Ordinance Nos. 28 and 36, in conflict herewith are hereby repealed.

13.4 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 January 16, 1975.

MEMBERS OF CITY COUNCIL OF  
LOOKOUT MOUNTAIN, GEORGIA:

Clarence W. Brown, Jr.

[Signature]

[Signature]

[Signature]

[Signature]

Joe D. Tompkins  
Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on Feb 20, 1975.

MEMBERS OF CITY COUNCIL OF  
LOOKOUT MOUNTAIN, GEORGIA:

John Smith

Clarence W. Brown, Jr.

Sam N. Hamilton

[Signature]

[Signature]

[Signature]

Joe D. Tompkins  
Mayor of Lookout Mountain, Georgia

ATTEST:

[Signature]  
City Clerk of Lookout  
Mountain, Georgia