

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 92

AN ORDINANCE to amend Section 1.04(o) of the Charter of the City, so as to specifically authorize the City to provide police protection to residents of other municipalities and counties and to contract with the governing body of Dade County, Georgia for the provision of such police protection to residents of that county residing atop Lookout Mountain, Georgia.

WHEREAS, Section 1.04(o) of the Charter of the City presently provides, inter alia, that the Chief of Police and the police officers of the City are authorized to the same extent as Sheriffs of the State to execute warrants placed in their hands charging any persons with violating the criminal laws of the State but that the Chief of Police and police officers of the City are not authorized to arrest any offender outside the corporate limits of the City unless such individual is charged with violating an ordinance of the City within the preceding twenty-four hour period; and

WHEREAS, there are residents of Dade County, Georgia who reside atop Lookout Mountain who wish to obtain police protection from the City, due to the close proximity of the City's police headquarters to the homes of such residents, as compared to the distance between the homes of such residents and the headquarters of the Dade County, Georgia Sheriff's Department; and

WHEREAS, the Constitution of the State of Georgia of 1976, Article IX, Section IV, Paragraph II authorizes, inter alia, cities and counties within the State of Georgia to contract with each other to provide police protection services to each other outside of their respective boundaries;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and IT IS HEREBY ORDAINED as follows:

Section 1. Pursuant to the authority conferred upon the City by Georgia Code Annotated § 69-1017, the City hereby amends Section 1.04(o) of its Charter by the deletion of the final sentence of said Section 1.04(o) and the substitution in its place of the following:

However, the City shall be authorized, in accordance with the Constitution of the State of Georgia of 1976, Article IX, Section IV, Paragraph II, to contract with other municipalities and with counties in the State of Georgia for the purpose of providing police protection to residents of other municipalities and counties outside of the boundaries of the City. In the event that such a contract(s) is entered into by the City, the Chief of Police and police officers shall be authorized to arrest without warrant any person or persons anywhere in the State who, at the time of said arrest, or before that time, has or have been guilty of violating any law of the State within the geographic area described in said contract(s), or who he has reasonable belief or reliable information has or have been guilty, and to hold such person so arrested until a speedy hearing of the matter can be had, and to this end said arresting officers are authorized to imprison and confine any person so arrested by them in the City Prison, if there is one, or in the jail of Walker County, Georgia, for a reasonable length of time.

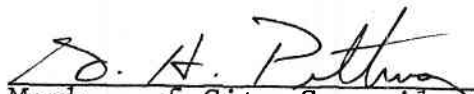
Section 2. The Mayor of the City is hereby specifically authorized to execute on behalf of the City a contract with Dade County, Georgia, for the provision of police protection by the City, outside of the corporate boundaries of the City, to residents of Dade County, Georgia who reside atop Lookout Mountain. The geographic areas and/or individuals to be protected and the fees to be charged by the City shall be determined from time to time by the Council of the City. Said contract may be renewed or extended from time to time pursuant to the authorization of the Council of the City. Nothing contained herein shall obligate the City to enter into any such contract, to renew any such contract, or to provide police protection to any particular individual or geographic area.

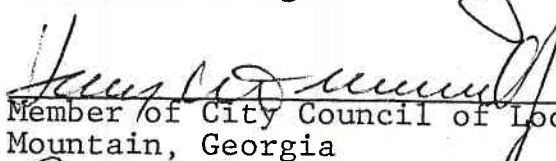
Section 3. If any section, subsection, sentence or clause in this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of this ordinance or the City's Code of Ordinances as a whole or of any section, subsection, sentence or clause hereof or thereof not adjudged invalid.

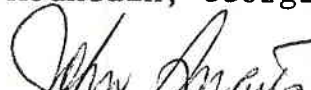
Section 4. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

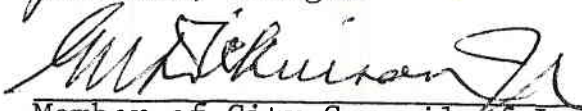
Section 5. This ordinance shall be effective ten (10) days after its adoption by at least three (3) members of the Council of this City after two (2) readings at least one (1) week apart.


Approved on first reading on November 20, 1980.



Member of City Council of Lookout Mountain, Georgia


Member of City Council of Lookout Mountain, Georgia


Member of City Council of Lookout Mountain, Georgia


Member of City Council of Lookout Mountain, Georgia


Member of City Council of Lookout Mountain, Georgia


Mayor of Lookout Mountain, Georgia

Approved and adopted on second reading on December 18,
1980.

D. A. Pethun
Member of City Council of Lookout
Mountain, Georgia

Sam W. Hamlett
Member of City Council of Lookout
Mountain, Georgia

John Smith
Member of City Council of Lookout
Mountain, Georgia

Member of City Council of Lookout
Mountain, Georgia

Member of City Council of Lookout
Mountain, Georgia

James Smith
Mayor of Lookout Mountain,
Georgia

ATTEST:

City Clerk of Lookout Mountain,
Georgia