

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 28

AN ORDINANCE

Regulating the removal of refuse; establishing fees for such removal; regulating the dumping, burning, burying and accumulation of refuse and litter, 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. The following Chapter is herewith added to the Code of Ordinances of the City of Lookout Mountain, Georgia:

CHAPTER 11

ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

(1) Aircraft. Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

(2) Approved container shall mean and include standard containers, special containers, and special waste receptacles, all of which must be maintained in a state of good repair.

(3) 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.

(4) Authorized private receptacle. A litter storage and collection receptacle as required and authorized in the city.

(5) 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.

(6) Commercial handbill. 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:

- (a) Which advertises for sale any merchandise, product, commodity or thing; or
- (b) Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (c) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license where such license is or may be required by any law of this state or under this Code or any other ordinance of this city; or
- (d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

(7) Garbage shall mean and include all putrescible and non-putrescible wastes, except sewage and body wastes, including without limitation vegetable and animal offal, but excluding recognizable industrial by-products resulting from the handling, preparation, cooking or consumption of food, from all public and private residences and establishments.

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

(9) Litter. "Garbage," "refuse" and "rubbish," 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.

(10) Newspaper. Any newspaper of general circulation, as defined by general law, any newspaper duly entered with the post-office department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, such term shall mean and include any periodical or current magazine regularly published with not less than four (4) issues each year and sold to the public.

(11) Noncommercial handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, 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.

(12) Park. A park, reservation, playground, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

(13) Person. Any individual corporation, partnership, association or other body.

(14) Private premises. Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(15) Public place. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(16) Refuse shall mean and include garbage, rubbish and leaves.

(17) Rubbish shall mean and include all nonputrescible waste materials, except ashes and garbage, from all public and private residences and establishments.

(18) Special container shall mean and include a container:

- (a) Having a capacity of not over eight (8) cubic yards.
- (b) So constructed that the container can be handled by the equipment used for collection.
- (c) Having a tight-fitting cover or closure.
- (d) Of watertight construction where garbage is to be stored.

(19) Special waste receptacle shall mean and include any storage container not defined in this section approved by the city council which does not violate any of the provisions of this Chapter.

(20) 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 not more than thirty-two (32) gallons capacity.

(21) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Sec. 11-2. 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 contractor shall engage in the business of refuse removal or disposal for the residences of this city.

Sec. 11-3. 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 Code or the ordinance adopting this Code 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.

Sec. 11-4. Charges for services rendered by removal system.

(1) Until January 1, 1971, all costs and expenses for residential service rendered by the city refuse removal system under items (a) and (b) below shall be billed to the residences on a monthly basis. Beginning January 1, 1971 the costs and expenses for residential service rendered by the city refuse removal system under item (a) below shall be equally apportioned among the residences of the city and shall be added to the city ad valorem tax bills. Costs incurred under item (b) below shall be paid monthly directly to the city or its contractor.

(2) There are hereby established fees and charges for residential service rendered by the city refuse removal system as follows:

- (a) Two day a week garbage service; biweekly rubbish and trash service except for October, November and December, during which leaf service shall be provided weekly \$4.50 per month
- (b) Additional garbage and rubbish service: \$1.50 per cubic yard  
\$5.00 minimum fee

Sec. 11-5. Rules, regulations and schedule of charges to be part of contract for and apply to all services of removal system.

(1) The assessment for refuse collection service charges 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 and effective at the same time as the city ad valorem tax lien.

(2) In multi-family dwellings the owner shall be liable for the assessments made against each unit, and it shall be his responsibility to collect the assessment from each tenant or occupant.

Sec. 11-6. Refuse acceptable for collection by city or its contractor.

The following refuse shall be considered to be acceptable for collection by the city or a contractor performing collections for the city:

- (1) Garbage.
- (2) Ashes.
- (3) Rubbish.

Sec. 11-7. Refuse unacceptable for collection by city or its contractor.

(1) The following refuse shall be considered to be unacceptable for collection by the city or a contractor performing such collection for the city:

- (a) Dangerous materials or substances, such as poisons, acids, caustics, infectious materials and explosives.
- (b) Materials resulting from the repair, excavation or construction of buildings or structures, such as earth, plaster, mortar, or roofing material.
- (c) The solid wastes resulting from industrial processes.

(2) Any person responsible for refuse not acceptable for collection by the city or its authorized collection service shall make arrangements for the collection and disposal of such refuse. Such refuse shall be disposed of at regular and frequent intervals and in no case shall it be stored more than seven (7) days.

Sec. 11-8. Method of disposal by city and its contractor.

The city or its contractor shall dispose of refuse only by the most sanitary method possible.

Sec. 11-9. Containers generally.

All refuse, except bundles, leaves and brush, shall be stored in approved containers, which shall at all times be maintained in a state of good repair.

Sec. 11-10. Disposal in city prohibited.

It shall be unlawful for any person to dump, burn, bury or destroy or otherwise dispose of refuse within the city, except that rubbish may be burned in accordance with the provisions of the fire prevention code.

Sec. 11-11. Transportation into city by nonresidents for deposit in city prohibited.

No person who is not a resident of the city shall transport into or cause to be transported into the city any refuse for the purpose of depositing such refuse upon any ground, street, or place within the city.

Sec. 11-12. Requirements for vehicles transporting refuse.

All vehicles used for the collection, removal, or transportation of refuse must be so constructed, maintained, and operated as to be easily cleaned and so as to prevent spilling and scattering of refuse in the course of the operation of removing same.

Sec. 11-13. Deposit on private property generally.

(1) The owner or his agent or the occupant of any premises within the city shall be responsible for the sanitary condition of the premises occupied by him and it shall be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any litter except as designated by the terms of this article.

(2) 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 refuse 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.

Sec. 11-14. Deposit 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.

Sec. 11-15. Deposit on public property; 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 other 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.

Sec. 11-16. Burning of leaves and litter forbidden.

Except upon special permit issued by the chief of fire and police, no leaves, paper, litter, refuse, trash, garbage, logs, branches or other substances of any kind shall be burned outdoors except charcoal, wood and kindling for cooking purposes in properly constructed and supervised barbecue pits and other outdoor cooking facilities.

Sec. 11-17. Raking and placement of leaves.

The owner or occupant of each lot and all other property occupied or in use within the city shall cause all leaves thereon to be raked up, accumulated and placed for collection as hereinafter provided at reasonable intervals and with sufficient frequency to prevent such leaves from blowing on any streets, public places or the property of others within the city. Leaves shall be accumulated for collection in ditches



in front of the property, if any, unless such ditches contain constantly or frequently running water to such extent that the leaves may be carried away, or constitute an obstruction to the flow of the water. If there is no ditch, or the ditch may not be used for the foregoing reasons, the leaves shall be deposited on the right-of-way in front of the property, if there is room for same without placing any leaves on the paved portion of the right-of-way. If neither of the aforesaid places of collection are suitable, the leaves shall be placed in the driveway serving the property, as near to the street as possible, to facilitate collection of same.

Sec. 11-18. Deposit in fountains, lakes, etc.

No person shall throw or deposit litter, soap, detergents or other substances in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the city.

Sec. 11-19. Method of depositing in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Sec. 11-20. Throwing, distributing commercial handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalks, street or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

Sec. 11-21. Placing handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle parked in public places; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a commercial or noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Sec. 11-22. Depositing handbills on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Sec. 11-23. Distribution of handbills prohibited where property posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "NO TRESPASSING," "NO PEDDLERS OR AGENTS," "NO ADVERTISEMENT," or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

Sec. 11-24. Distributing handbills at inhabited private premises.

(1) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting such handbill directly to the owner, occupant or other person in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such

handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(2) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined in this article) 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 or upon private property.

Sec. 11-25. Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

Sec. 11-26. Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, 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.

Sec. 11-27. Unlawful use of city-owned receptacles.

It shall be unlawful for the owner, manager or any employee of a business establishment to deposit any litter from such establishment in any city-owned receptacle placed on a street, sidewalk or other public place.

Sec. 11-28. Composts.

Nothing in this ordinance shall prohibit the use of leaves and other organic material for properly controlled compost heaps.

Sec. 11-29. Notice and correction of violations of article.

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

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

(2) The notice provided for in subsection (1) may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter. 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.

(3) Whenever the City Council 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 tax liens of the city.

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

Sec. 11-30. Violation a misdemeanor.

A violation of this article shall constitute a misdemeanor and be punishable as provided in Sections 1 - 8 of the Code of the city.

Secs. 11-31 - 11-50. Reserved.

Section 2. 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.

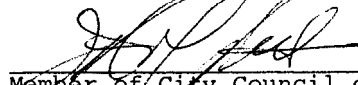
Section 3. Severability:

If any section, subsection, sentence, or clause of this ordinance or 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 4. Effective Date:

BE IT FURTHER ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and it is hereby ordained, that due to the immediately impending discontinuance of garbage service to the people of this city by the organizations heretofore providing such service, the need of the citizens of Lookout Mountain, Georgia, for such service, an emergency exists and the public safety and welfare require that this ordinance be effective upon its adoption and approval by at least four members of the Council of this city on two readings on successive days, and this ordinance shall therefore be effective immediately upon such approval after such two readings and its adoption following the second of such readings.

Approved on first reading on July 1, 1970.

  
Member of City Council of Lookout Mountain, Ga.

John Amos  
Member of City Council of Lookout Mountain, Ga.

Walter Mottley  
Member of City Council of Lookout Mountain, Ga.

Jesse B Sims  
Member of City Council of Lookout Mountain, Ga.

Member of City Council of Lookout Mountain, Ga.

Sherwood D. Dudley  
Mayor of Lookout Mountain, Ga.

Approved and adopted on second reading on July 2, 1970.

John Amos  
Member of City Council of Lookout Mountain, Ga.

Walter Mottley  
Member of City Council of Lookout Mountain, Ga.

Jesse B Sims  
Member of City Council of Lookout Mountain, Ga.

Member of City Council of Lookout Mountain, Ga.

Member of City Council of Lookout Mountain, Ga.

Sherwood D. Dudley  
Mayor of Lookout Mountain, Ga.

ATTEST:

Jane P. ...  
City Clerk of Lookout Mountain, Ga.

(SEAL)