

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 36

AN ORDINANCE

To amend Ordinance No. 28; to establish residential garbage and refuse classifications; to establish a board to investigate applications for reclassifications and make recommendations to the City Council to provide for such determinations by the City Council, to provide for forms and procedures and the duration of such classification; 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: Section 11-4 of Ordinance No. 28 is amended by repealing subparagraph (2) (a) and (b) of such section and substituting in lieu thereof the following:

(a) Classification I - \$5.15 per residence per month.

Classification II - ~~\$3.45~~ per residence per month.

(b) Additional garbage and trash service - \$1.25 per cubic yard with a \$5.00 minimum fee.

Section 2: Ordinance No. 28 is further amended by adding thereto the following sections:

Section 11-31. Garbage Classifications. There shall be two classifications of residential garbage service rendered by the City (directly or through independent contractors) as follows:

Classification I - Residents within this classification shall receive backdoor, two day a week garbage service.

Classification II - Residents within this classification shall receive backdoor, one day a week garbage service.

Both Classification I and Classification II residences shall receive bi-weekly trash, rubbish and ash service, except that during the months of October, November and December such service will be on a weekly basis.

All residences in the City are hereby classified under Classification I unless approved for reclassification to Classification II by the City Council under the procedures herein set forth.

Section 11-32. Eligibility for Reclassification. It is the intention of the City Council to provide relief for those residents of the City owning residences which are determined as not generating enough garbage to justify two day a week garbage service. In determining whether a residence should be entitled to be reclassified, in addition to the requirement that such residence generate less garbage than is necessary to require two day a week garbage service, the Council shall take into consideration the following factors, at least one of which must be present for the Council to grant an application for reclassification:

- (1) Age 65 or over.
- (2) Gross income and other receipts of family occupying residence from all sources averaging less than \$3,500.00 per person.
- (3) Physical disabilities of family members.
- (4) The relatively small size of lot and residence to be reclassified in comparison with other lots and residences in community.
- (5) Valuation of lot and residence below \$10,000.00.
- (6) Number of occupants over age five (5).
- (7) Absence of normal cooking facilities.
- (8) Partaking of meals elsewhere.
- (9) Other factors affecting reduced garbage generation.

Section 11-33. Creation and Duties of Board of Reclassification.

(1) 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 City Council to hold office for a term of one year each.

(2) 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 City Council no later than ninety (90) 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.

(3) In making recommendations, the Board shall take into consideration the factors set forth in Section 11-32, and all recommendations by the Board shall be made only upon the majority vote of a quorum present and voting.

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

Section 11-34. Procedure for Application. Residents 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 Police Department of the City of Lookout Mountain, Georgia 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 any more frequently than annually. All adult owners and tenants of the residences which are the subject of the application must join in the application and furnish the information required.

Section 11-35. Duration of Classification. Whenever there is any change in occupancy of any residence, other than vacating by one or more previous occupants without any new persons becoming an occupant, or any substantial increase in garbage or trash generation at any residence, such residence shall, after thirty (30) days' written notice to the occupants, revert to Classification I unless application is made and granted for it to retain the same status in the same manner as an original application.

Section 11-36. Rebate of Fees. From and after January 1, 1972, upon application, garbage fees will be rebated for each month a residence is vacant, if no garbage or trash service is required, but only if such residence is vacant for three (3) months or more. Applications shall be made quarterly for the preceding quarter and 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 for such quarter.

Section 3: 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: Severability. If any section, subsection, sentence or clause of this Ordinance or 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 5: Effective Date. This Ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council of this City after two readings, at least one week apart.