

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 98

AN ORDINANCE

To amend Ordinance No. 28 as amended by Ordinance No. 36, Ordinance No. 60 and Ordinance No. 94; to regulate the storage of refuse by commercial establishments and multiple dwellings; to regulate the removal of refuse from commercial establishments and multiple dwellings; to establish a fee for the provision of city refuse services to commercial establishments and multiple dwellings; 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. Ordinance No. 94 is hereby amended by striking in its entirety Section 4.2 and substituting in lieu thereof a new Section 4.2 to read as follows:

"4.2 Regulation of Commercial Refuse Storage.

"(A) Commercial establishments in the City shall maintain all refuse in standard containers.

"(B) The City shall provide one standard container for each commercial establishment in the City. Each additional standard container which is required by each such commercial establishment shall be purchased from the City by the commercial establishment at a rate to be established from time to time by the Council of the City.

"(C) The user is required to maintain each standard container in a sanitary condition, keeping the lid closed on each standard container at all times, except for filling, emptying, and cleaning, and free from odor. The user is also required, on collection day, to roll the standard container to the front street (or such other location as is acceptable to the City) and park it where it is easily accessible to the collector from the street or sidewalk. The collector will not pick up refuse from a standard container that is behind a fence, in a building, or parked where it cannot be reached from the street or sidewalk. Standard containers will not be parked in the street or blocking a sidewalk. Each commercial establishment is responsible for rolling the standard containers back to their normal storage place after refuse has been picked up.

"(D) The standard container is the property of the City. Construction materials, dirt, hot coals, poisons, oil, gasoline, paints or other dangerous,

caustic, or flammable materials shall not be placed in it. If a standard container is damaged, lost or stolen, the user should notify the City immediately, and the user shall bear the cost of replacement or repair. The standard container may not be moved to another lot."

SECTION 2. Ordinance No. 94 is further amended by adding to Section 4 an additional subsection to be referred to as Section 4.4. Section 4.4 shall read as follows:

"4.4 Regulation of Multiple Dwelling Unit Refuse Storage.

"(A) Refuse from all dwelling units found within multiple dwellings shall be stored only in standard containers provided by the City.

"(B) The City shall provide one standard container for each occupied unit within a multiple dwelling in the City.

"(C) The user (meaning both the owner-landlord and person occupying the particular unit) is required to maintain this standard container in a sanitary condition, keeping the lid closed at all times, except for filling, emptying, and cleaning, and free from odor. The user is also required, on collection day, to roll the standard container to the nearest public street and park it where it is easily accessible to the collector from the street or sidewalk. The collector will not pick up refuse from a standard container that is behind a fence, in a building, or parked where it cannot be reached from the public street or sidewalk. Standard containers will not be parked in the street or blocking a sidewalk. The user is responsible for rolling the standard container back to its normal storage place after refuse has been picked up.

"(D) Nothing contained herein shall prevent the City from granting an exception to the provisions of the foregoing subsection (C) to individual residents who, due to old age or physical or mental infirmity, are unable to roll the standard container to the public street. Such exception may be made by the City Council or its appointed designee.

"(E) The standard container is the property of the City. Construction materials, dirt, hot coals, poisons, oil, gasoline, paints or other dangerous, caustic, or flammable materials shall not be placed in it. If a standard container is damaged, lost or stolen, the user shall notify the City immediately, and the user shall bear the cost of replacement or repair. The standard container may not be moved to another lot."

SECTION 3. Ordinance No. 94 is further amended by striking Section 5.1 in its entirety.

SECTION 4. Ordinance No. 94 is further amended by striking Section 7 in its entirety and substituting in lieu thereof a new Section 7 to read as follows:

"SECTION 7. CHARGES FOR SERVICES RENDERED BY REMOVAL SYSTEM.

"7.1 Fees and Charges. The fees and charges for refuse removal services rendered single family dwelling units, commercial establishments and multiple dwelling units shall be as established from time to time by the Council of the City. The charges assessed by the City for refuse removal service rendered to any commercial establishment shall equal the amount charged for single family dwelling units multiplied by the number of standard containers maintained by the commercial establishment.

"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 services rendered any commercial establishment shall be payable by the commercial establishment 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, that payment for such service may be made at such other time and on such other terms and conditions as the City may agree.

"(C) The fees and charges for refuse removal services rendered 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 any portion of the preceding quarter; provided, however, that payment for such service may be made on behalf of the occupant of the multiple dwelling unit by the owner, manager or agent of the multiple dwelling at such other time and on such other terms and conditions as the City may agree."

SECTION 5. 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 numbered to accomplish that intention.


SECTION 6. 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.

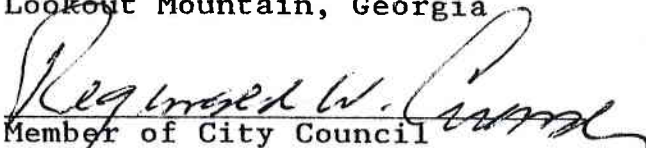
SECTION 7. REPEALER. All other ordinances or parts thereof heretofore enacted by the City in conflict herewith are hereby repealed.

SECTION 8. 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.

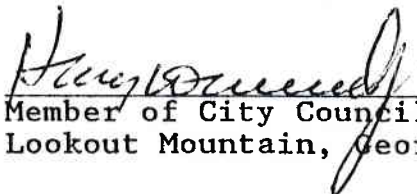
APPROVED ON first reading on February 8, 1982.



Member of City Council
Lookout Mountain, Georgia



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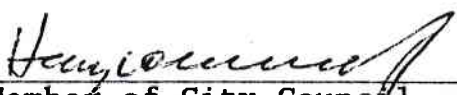
Member of City Council
Lookout Mountain, Georgia

Mayor of Lookout Mountain,
Georgia

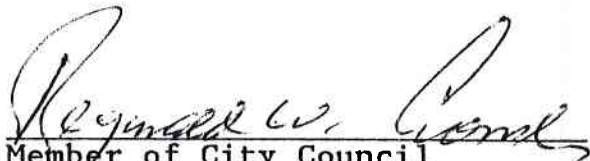
APPROVED AND ADOPTED on second reading on February 18, 1982.

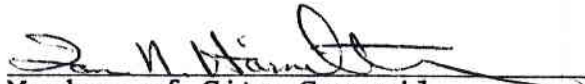


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Mayor of Lookout Mountain,
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ATTEST:


City Clerk of Lookout
Mountain, Georgia