

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 107

AN ORDINANCE to require that all persons making excavations in streets or sidewalks of the City first obtain a permit, to set forth the conditions upon which a permit may be obtained, and to provide for correction of violations of this Ordinance at the expense of the persons violating this Ordinance.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and it is hereby ordained:

SECTION 1. No person shall make any excavation in any street or sidewalk of the City without first obtaining a permit for said excavation, and shall register in a record kept for this purpose by the City information showing the exact locality of said excavation, and the purpose for which it is made.

SECTION 2. All persons making excavations in any street or sidewalk of the City shall be required to repair the said excavations pursuant to specifications which may from time to time be developed by the City Engineer, and leave the paving in as good condition as before the excavation was made. The City Engineer shall be the exclusive judge of whether any excavation has been repaired and the street or sidewalk left in as good condition as before the excavation was made.

SECTION 3. No person shall be permitted to make an excavation in any street or sidewalk of the City without first agreeing to indemnify and hold harmless the City from and against all claims, demands, and causes of action arising out of any excavation by or under the direction of any said person.

SECTION 4. No person shall be permitted to make an excavation in any street or sidewalk of the City without first providing a bond payable to the City conditioned upon the restoration of any street or sidewalk in which any excavation

shall be made to the condition in which it was before such excavation. The said bond shall be in an amount estimated by the City Engineer to be required to restore any street or sidewalk to be excavated to the condition in which it was before said excavation.

SECTION 5. Any person making an excavation in any street or sidewalk of the City shall be required to repair any such street or sidewalk which becomes defective or out of repair because of said excavation having been made.

SECTION 6. If any person fails to properly repair any excavation made in any street or sidewalk, or fails to repair any street or sidewalk which becomes defective and out of repair because of said excavation having been made, for a period of five days after having received written notice from the City to effect said repairs, the City shall be authorized to repair said excavation and the person failing to make said repairs shall be liable for all expenses incurred by the City in doing so.

SECTION 7. The City Attorney shall prepare a permit embodying the provisions of this Ordinance, which shall be signed by all persons to whom a permit under this Ordinance is granted.

SECTION 8. PART OF CODE OF ORDINANCES. It is the intention of the City Council of the City of Lookout Mountain, Georgia, and 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 this intention.

SECTION 9. 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 any section, subsection, sentence or clause hereof not adjudged invalid.

Approved and adopted on second reading on _____,

1984.

Member of City Council

Member of City Council

Member of City Council

Member of City Council

Member of City Council

Mayor of Lookout Mountain,
Georgia

ATTEST:

City Clerk

SECTION 10. REPEALER. All other ordinances or parts thereof heretofore enacted by the City in conflict herewith are hereby repealed.

SECTION 11. 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 of Lookout Mountain, Georgia after two (2) readings at least one (1) week apart.

Approved on first reading on _____, 1984.

Member of City Council

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Mayor of Lookout Mountain,
Georgia