

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 118

AN ORDINANCE

To amend Ordinance No. 28 as amended by Ordinance No. 36, Ordinance No. 60, Ordinance No. 94, Ordinance No. 98 and Ordinance No. 104; 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 city provided and approved 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 adding to Section 2 the following subsection to be referred to as Section 2.3. Section 2.3 shall read as follows:

2.3 Commercial Establishments and Multiple Dwellings; Right of City to Use Private Collectors.

(A) 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 commercial establishments and multiple dwellings. No person other than the City, its collector, or a private collector authorized by the City shall engage in the business of refuse removal or disposal for the commercial establishments or multiple dwellings of this City.

(B) The City is authorized (but under no circumstances shall be obligated), by majority vote of the Council of the City, to contract with or use private garbage collectors to provide refuse removal services for commercial establishments and multiple dwellings if, in the opinion of a majority of the Council of the City, the following conditions are met:

(1) The refuse volume of any commercial establishment or multiple dwelling, measured by cubic yards, averages four (4) cubic yards per week; and

(2) The commercial establishment or multiple dwelling has the ability to properly segregate its trash containers by maintaining them 50 feet from and out of view of any public street, roadway, or sidewalk and in a safe and sanitary condition.

(C) Any City-authorized private garbage collector must be able to collect and dispose of all refuse collected in a safe and sanitary manner. Upon failure to do so or for any other failure of performance, the City, by majority vote of the Council of the City, may revoke and rescind the contract authorizing the private collections.

(D) Notwithstanding any other provision of this Ordinance to the contrary, in the event the City exercises its discretionary power to use or authorize private garbage collection at a commercial establishment or multiple dwelling, refuse at such commercial establishment or multiple dwelling shall be maintained inside the container designated by the City-authorized private garbage collector, whether or not such container is a standard container.

SECTION 2. Ordinance No. 94 is further amended by striking in its entirety section 9.1 and substituting in lieu thereof a new Section 9.1 to read as follows:

Section 9.1. Transportation of Refuse.

It shall be unlawful for any person other than the collector for the City or a private collector authorized by the City to collect and haul refuse other than that arising from his own accumulation within the City. No person shall transport into or cause to be transported into the City any refuse for the purpose of depositing such refuse upon any ground or public place within the City.

SECTION 3. Ordinance No. 94, as amended by Ordinance No. 98, is hereby amended by the addition of the following sentence to Section 4.2(A):

The City or its collector shall not be obligated to pick up refuse not inside a properly closed standard container.

SECTION 4. Ordinance No. 94, as amended by Ordinance No. 98, is hereby amended by striking the final sentence of amended Section 7.1.

SECTION 5. Ordinance No. 94, as amended by Ordinance No. 98, is hereby amended by adding to Section 7 an additional subsection to be referred to as Section 7.3.
Section 7.3 shall read as follows:

7.3 Assessment of Fees and Charges for Authorized Private Collection.

In the event the City exercises its discretionary power to use or authorize private garbage collection at a commercial establishment or multiple dwelling, the City is authorized to charge such commercial establishment or multiple dwelling such fees and charges as established from time to time by the Council of the City pursuant to section 7.2 of this ordinance.

SECTION 6. 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 that intention.

SECTION 7. 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 8. REPEALER. All other ordinances or parts thereof heretofore enacted by the City, including but not by

way of limitation those conflicting portions of Ordinance Nos. 28, 36, 60, 94 and 98, in conflict herewith are hereby repealed.

SECTION 9. 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 June 20, 1986.

A. Conn Doherty

Member of City Council
Lookout Mountain, Georgia

Reginald W. Conrad

Member of City Council
Lookout Mountain, Georgia

Edward N. Talley

Member of City Council
Lookout Mountain, Georgia

Member of City Council
Lookout Mountain, Georgia

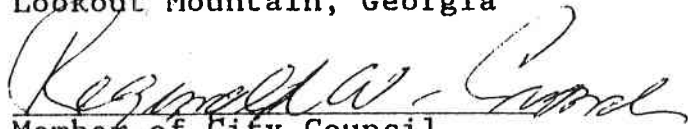
Member of City Council
Lookout Mountain, Georgia

Harry Conrad
Mayor of Lookout Mountain,
Georgia

APPROVED AND ADOPTED on second reading on June 27,
1986.


Member of City Council
Lookout Mountain, Georgia


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Lookout Mountain, Georgia


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Member of City Council
Lookout Mountain, Georgia



Mayor of Lookout Mountain,
Georgia

ATTEST:



City Clerk of Lookout
Mountain, Georgia