

**CITY OF LOOKOUT MOUNTAIN, GEORGIA**

**ORDINANCE NO. 263**

AN ORDINANCE to amend the City of Lookout Mountain, Georgia's Ordinance No. 187, as heretofore amended, to require that any business, college, association or other entity which is authorized to discharge wastewater or sewage into the City's sewer system contractually agree to indemnify and hold the City harmless from and against any and all claims related to such discharge, 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 City of Lookout Mountain, Georgia's Ordinance No. 187, as heretofore amended, is hereby amended by the deletion of Section 2-3 thereof in its entirety and the substitution of the following therefor:

**Sec. 2-3 Contracts for Disposal of Sewage; Authorized Charges; Obligation to Indemnify.**

The Mayor, City Manager or other authorized City official may (subject to approval by the City Council), enter into contracts with any municipality, county, incorporated district, business, college, association or other person or entity for the disposal of wastewater or sewage collected and pumped or delivered to some part of the City's sewer system; provided, however, that the charges to be paid for the disposal of such wastewater or sewage shall not be less than an amount which is fair and equitable, taking into account the cost to the City of such disposal and the cost of the sewage disposal system. All revenues received pursuant to such contracts shall be deemed to be revenues of the sewer system and shall be applied and accounted for in the same manner as other revenues derived from the operation of such system. Any such contract authorizing the disposal of wastewater or sewage into the City's sewer system by a business, college, association or other entity shall contain an obligation on the part of the business, college, association or other entity to indemnify and hold the City harmless

from and against any and all claims, demands, liability, damages, costs, expenses and attorneys' fees in any way related to (a) the design, construction, operation and maintenance of the sewer-related facilities and pipelines of such business, college, association or other entity, and (b) the wastewater or sewage discharged into the City's sewer system. Any such contract may contain such other provisions which, in the judgment of the City Attorney, are reasonable or necessary to protect the interests of the City.

In all other respects, Ordinance No. 187, as heretofore amended, shall remain in full force and effect, unaffected by this amendment.

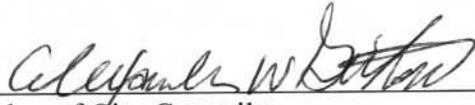
Section 2.     Severability. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be affected, since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

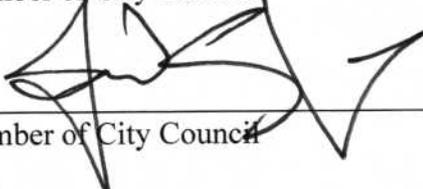
Section 3.     Part of Code of Ordinances. It is the intention of the Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

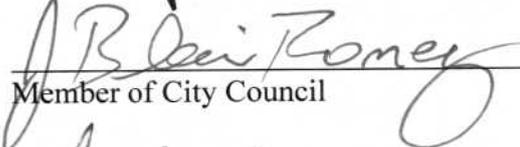
Section 4.     Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

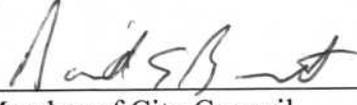
Section 5.     Effective Date. This Ordinance shall be effective ten (10) days after its adoption by at least three (3) members of the Council of the City after two (2) readings at least one (1) week apart.

APPROVED on first reading on April 5<sup>th</sup>, 2012.

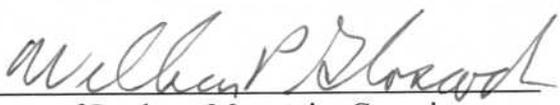
  
Member of City Council

  
Member of City Council

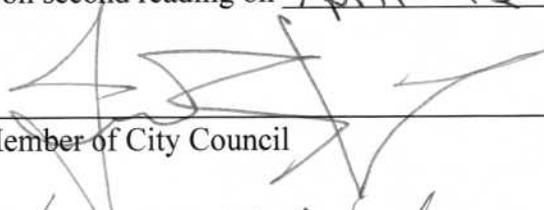
  
Member of City Council

  
Member of City Council

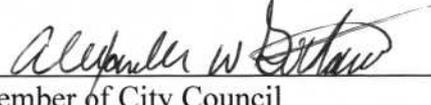
Member of City Council

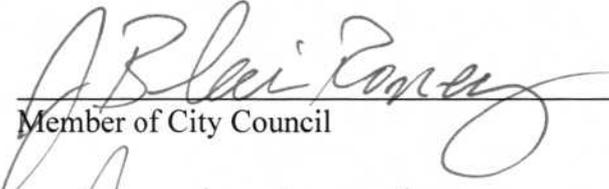
  
Mayor of Lookout Mountain, Georgia

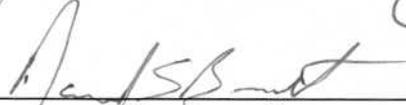
APPROVED AND ADOPTED on second reading on April 12, 2012.

  
Member of City Council

  
Member of City Council

  
Member of City Council

  
Member of City Council

  
Member of City Council

William P. Blaser  
Mayor of Lookout Mountain, Georgia



ATTEST:

Cindy Roberts  
City Clerk