

A BILL
TO BE ENTITLED

An Act to incorporate the City of Lookout Mountain, Georgia; to define certain words; to provide for corporate limits; to provide for corporate powers; to provide for a city council and election of councilmen; to provide for a mayor and election of a mayor; to provide for the qualifications of the mayor and councilmen; to provide for the meetings of the city council; to provide that the mayor will preside at meetings of the council; to provide for a vice-mayor; to provide for the filling of vacancies in office of the mayor or councilmen; to provide for the appointment of a city clerk by the mayor; to provide for an official city newspaper; to provide for city legislation and the procedure related thereto; to provide that the council may authorize officers and agencies of the city to promulgate rules and regulations; to provide for the administrative duties of the mayor; to provide that the mayor shall appoint a city attorney and such assistant city attorneys as may be authorized by ordinances; to provide for the establishment of a city court; to provide for jurisdiction and powers of the city court; to provide for a judge of the city court; to provide for the salary and the removal of said judge; to provide for an acting city judge; to provide that the council may by ordinance establish departments, agencies and offices; to provide for the appointment, suspension and removal of the chiefs of the fire department and police department; to provide for an oath of office; to provide for an official bond; to provide that officers and employees shall not profit from connections with the city; to provide for a fiscal year; to provide that the mayor shall submit an annual budget; to provide for public hearings; to provide for action by the council on the budget; to provide for centralized purchasing by the city purchasing agent; to provide for the sale of city property by the mayor; to provide for an annual audit; to provide for property taxes; to provide for a tax levy; to provide for tax due

dates and tax bills; to provide for the collection of delinquent taxes; to provide for an official depository of the city's funds; to provide for restrictions on actions for damages against the city; to provide for the transfer of certain assets and the assumption of certain liabilities; to provide that general laws may be used in lieu of the provisions of this Act; to provide a severability clause; to provide for a referendum; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I. CHARTER, DEFINITIONS, CITY LIMITS
AND CORPORATE POWERS

Section 1.01. An Act creating the City of Lookout Mountain, Georgia. This Act shall constitute the whole charter of the City of Lookout Mountain, Georgia, in the County of Walker, which with its inhabitants, are hereby constituted and declared a body politic and corporate by the name and style of the City of Lookout Mountain, Georgia, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Section 1.02. Definitions. As used in this Act the following words and terms shall have the following meanings:

(a) "City" shall mean the City of Lookout Mountain, Georgia.

(b) "Councilman" shall mean a person elected to the city council as provided in this Act. "Member of the council" shall mean the mayor and each councilman.

(c) "Public way" shall mean any land used by the public as a passage way, including but not limited, to streets, roads, highways, avenues, parkways, alleys, lanes, sidewalks, walks, bridges and other thoroughfares, and including the right-of-ways of such public ways.

(d) "Agency" shall mean any office, court, utility, board, commission, institution, or other organization in charge of or administering any public function or municipal affair of the city.

(e) "Officer" shall mean and include the mayor, councilmen, city judge, members of boards and commissions, and any other persons classified as public officers by the laws or judicial decisions of this State. An "officer" as herein defined shall fill an "office", and an "employee" shall fill a "position of employment".

(f) "Elector" shall mean a person residing within the city who is qualified to vote therein.

(g) The masculine shall include the feminine, and the singular shall include the plural and vice versa.

(h) The word "shall" is mandatory; "may" is permissive.

Section 1.03. Corporate limits. The corporate limits of the City of Lookout Mountain, Georgia shall include and embrace all of the territory within the Fairyland Militia District (Militia District No. 1851); and shall be bound on the north by the Tennessee State line; on the east by the Chattanooga Valley Militia District (Militia District No. 1501); on the south by the Mountain Militia District (Militia District No. 1161); and on the west by Dade County, Georgia.

Section 1.04. Corporate powers. The corporate powers of the city, to be exercised by the city council, shall include the following:

(a) To levy and to provide for the assessment and collection of taxes on all property subject to taxation as limited herein.

(b) To levy and to provide for the collection of license taxes on privileges, occupations, trades, and professions. A collection fee of one (\$1.00) dollar may be added to each such license tax.

(c) To appropriate and borrow money to provide for payment of the debts of the city, and to authorize the expenditure of money for any municipal purpose.

(d) To acquire, dispose of and hold in trust or otherwise any real, personal or mixed property, inside or outside the city.

(e) To acquire property, inside the city, for present or future use, under Sections 36-202 of the Code of Georgia, or under other applicable public acts.

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty years. The council may prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor.

(g) To provide for the acquisition, construction and maintenance of public buildings and maintenance of existing public ways, parks, and drains, inside or outside the city, and to regulate the use thereof.

(h) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(i) To define, regulate and prohibit any act, practice, conduct, or use of property, detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, convenience, or general welfare of inhabitants of the city.

(j) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installation and equipment, plumbing, and housing for the health, sanitation, cleanliness and safety of inhabitants of the city and to provide for the enforcement of such standards.

(k) To provide that persons given jail sentences in the city court shall work out such sentences on the streets or any public works of the city as provided by ordinance; or the council may provide for the commitment of city prisoners to the county workhouse or jail by agreement with the appropriate county officers.

(l) To take up and impound dogs, horses, mules, cattle, hogs or other animals running at large, and to pass such ordinances as may be deemed necessary for the regulation of stock and other animals within the city.

(m) To provide that the violation of any ordinance, rule, regulation or order shall be punishable as a misdemeanor.

(n) To provide such fire protection for the city, as in the discretion of the council the city can afford or is able to support, and to this end shall have power and authority to organize, equip and support a fire department, volunteer or paid, and to make such appropriations therefor as they may deem advisable, provide needed buildings therefor, and to adopt and prescribe such ordinances and regulations as will be best to promote the objects of this section and afford protection from fire or conflagration to property in the city; to enter into a contract or contracts and to carry out their contractual obligations thereunder with individuals residing outside of the city or with other incorporated cities or towns of this State for the purpose of furnishing aid or furnishing one another mutual aid in fighting fires as in the discretion of the council would be most advantageous and serve the public interest of the city, and in authorizing or permitting its fire department to answer calls outside the corporate limits of the city, and in answering such calls, the city, its officers and employees shall be considered as acting in a governmental capacity and shall be entitled to all rights, privileges, exemptions and immunities as if such duty or activity were performed within the corporate limits of the city; and to enter into a contract or contracts, and to carry out their contractual obligations thereunder, with incorporated municipalities of other states for the purpose of furnishing one another mutual aid in fighting fires as in the discretion of the council would be most advantageous and serve the public interest of the city, and in authorizing or permitting its fire

department to answer calls outside the corporate limits of the city; provided, however, that the other state and incorporated municipality has by appropriate legislation provided for reciprocity with this State, so as to authorize the execution of such contract or contracts of mutual aid.

(o) To provide such police protection for the city, as in the discretion of the council the city can afford or is able to support, and to this end shall have the power and authority to organize, equip and support a police department, volunteer or paid, and to make such appropriations therefor as they may deem advisable, provide needed buildings therefor, and to adopt and prescribe such ordinances and regulations as will best promote the objects of this section and afford protection of property and persons and the enforcements of the ordinances of the city and the statutes of the State of Georgia. It shall be lawful for the Chief of Police, or any police officer of the city to arrest without warrant, any person or persons, within the corporate limits of the city, who, at the time of said arrest, or before that time, has or have been guilty of violating any ordinance of the city, or who he has reasonable belief or reliable information has or have been guilty, and to hold such person so arrested until a speedy hearing of the matter before the City Judge can be had, and to this end said arresting officers are authorized to imprison and confine any person arrested by them in the city prison, if there is one, or in the jail of Walker County, Georgia, for a reasonable length of time. The Chief of Police and the police officers of the city are authorized to the same extent as sheriffs of the State to execute warrants placed in their hands charging any persons with violating the criminal laws of this State. The Chief of Police and police officers are also authorized to arrest anywhere within the State, any person charged with violating any ordinance of the city; provided, when the arrest is not made within twenty-four hours after

the offense is committed, said Chief of Police and police officers are not authorized to arrest the offender outside the corporate limits of the city, except in obedience to written warrants signed by the City Judge or acting City Judge. The Chief of Police, in the event the City Judge is unavailable, may take bonds for appearance of any person arrested for violations of city ordinances before the City Court for trial, and all such bonds may be forfeited pursuant to the procedure established by the City Judge.

(p) To operate a service station and receive the revenues from such operation as long as the same shall be deemed necessary to the welfare of the city in the discretion of the council.

(q) To exercise those powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, and general welfare of the city and its inhabitants, and all implied powers necessary to carry into execution all powers granted in the Act as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this Act shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities under the Constitution or applicable public acts of the State.

ARTICLE II. CITY COUNCIL.

Section 2.01. Election of mayor and councilmen.

(a) On the date of the general election held in 1968, an election shall be conducted by the Ordinary of Walker County during the same hours and at the same places for holding general elections and under the general election laws of this State, to elect a mayor and five councilmen from the city at large. Any elector may be qualified as a candidate by submitting to the said Ordinary at least fifteen days in advance of the election a petition nominating him. Each elector shall be entitled to vote for

one candidate for mayor and five candidates for councilman.

(b) In the first election as provided herein, the candidate for councilman receiving the highest number of votes and the mayor shall take office on the first day of January following their election and shall serve for a term of office of three years each and until their successors are duly elected and qualified. The two candidates for councilman receiving the next highest number of votes shall take office on the first day of January following their election and shall serve for a term of office of two years each and until their successors are duly elected and qualified. The two candidates for councilman receiving the lowest number of votes shall take office on the first day of January following their election and shall serve for a term of office of one year each and until their successors are duly elected and qualified.

(c) After the first election provided above, subsequent elections shall be conducted by the city election managers during the same hours and at the same time and place for holding general elections and under the general election laws of this State. Any elector may be qualified as a candidate by submitting to the mayor or other chief executive officer of the municipality, at least fifteen days in advance of the election, a petition nominating him. Successors who are elected to the initial positions of mayor and councilmen, as provided for herein, shall be elected on the first Tuesday next following the first Monday in November in that year in which the respective terms of office shall expire, and they shall take office on the first day of January following their election and serve for a term of three years and until their successors are duly elected and qualified.

(d) No formality shall invalidate an election, provided it is conducted fairly and in substantial conformity with the requirements of this Act and the general election laws of this State.

Section 2.02. City Council. The mayor and five councilmen shall compose the city council, in which is vested all corporate legislative and other powers

of the city, except as otherwise provided in this Act. The council shall be the final judge of the election and qualifications of its members. No compensation will be paid the mayor and councilmen by the city until otherwise provided by law. The council shall meet in special session on written call of the mayor or any two councilmen and served on the other members personally or left at their residences at least twelve hours in advance of the meeting, but such notice of a special meeting shall not be required if the mayor and all councilmen are present when the special meeting is called. Only the business stated in the written call may be transacted at a special meeting, except by unanimous consent of all members of the council. The council shall exercise its powers only in public meetings. A majority of the council shall constitute a quorum. The council may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Council may subpoena and examine witnesses, to order the production of books and papers, and to have the same powers as a circuit court to punish for refusal to obey such an order or subpoena or for disorderly or contemptuous behavior in the presence of the council.

Section 2.03. Mayor as presiding officer.

The mayor shall preside at meetings of the council, shall have a vote only in case of a tie but no veto power, shall be the ceremonial head of the city, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the council to do so, shall be the officer to accept process against the city, and shall perform other duties imposed by this Act and ordinances not inconsistent with this Act.

Section 2.04. Vice-mayor. The council at the first regular meeting, after the newly elected councilmen have taken office following each annual election,

shall elect from its membership a vice-mayor for a term of two years. The vice-mayor shall perform the duties of the mayor during his absence or inability to act, and shall fill out any unexpired term in the office of mayor, in which case a new vice-mayor shall be elected by majority vote of the council.

Section 2.05. Vacancy in office of mayor or councilman. A vacancy shall exist if the mayor or a councilman resigns, dies, moves his residence from the city, has been continuously disabled for a period of six months, so as to prevent him from discharging the duties of his office, accepts any Federal, State, county or other municipal office or is convicted of malfeasance or misfeasance in office, or felony, a violation of the Act or a violation of the election laws of the State. The council by majority vote shall appoint a qualified person to fill such a vacancy for the remainder of the unexpired term. If a tie vote by the council to fill a vacancy is unbroken for fifteen days, the mayor or vice-mayor in case of a vacancy in the office of mayor, shall appoint a qualified person to fill the vacancy.

Section 2.06. City clerk. The mayor shall appoint a city clerk, who shall be responsible for keeping and preserving the city seal and all records of the council; attending meetings of the council and keeping a journal of ~~its proceedings~~ at such meetings, including the names of members present and absent, the vote of each member on each question, each motion, considered, and the title of each resolution or ordinance considered; preparing and certifying copies of official records in his office, for which fees may be prescribed by ordinance; and performing such other duties as may be required by the council or mayor.

Section 2.07. Official city newspaper. The council by resolution shall designate a newspaper of

general circulation in the city as the official city newspaper.

Section 2.08. City legislation. Any action of the council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this Act, shall be done only by ordinance. Each motion, resolution and ordinance shall be in written form before being introduced. The affirmative vote of at least three members of the council shall be required to pass any motion, resolution or ordinance, including two readings in the case of an ordinance. Each ordinance, before being adopted, shall be read at two meetings not less than one week apart, and shall take effect ten days after its adoption, except that, where an emergency exists and the public safety and welfare require it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by at least four members of the council on two readings on successive days. A code may be adopted by an ordinance which contains only a reference to its title, date and issuing organization, and the city clerk shall file a copy of the code in his office. The city shall furnish a copy of any such code to any person for a reasonable fee.

Section 2.09. Rules and regulations. The council may by ordinance authorize officers and agencies of the city to promulgate formal rules and regulations within their respective jurisdictions, subject to such restrictions and standards of guidance as the council may prescribe. No such formal rule or regulation shall take effect until it is filed with the city clerk, who shall file and preserve the original copy in his office.

ARTICLE III. ORGANIZATION AND PERSONNEL

Section 3.01. Administrative duties of mayor. The mayor shall be the executive head of the city government, responsible for the efficient and orderly administration of the city's affairs. He shall be responsible for the enforcement of laws, rules and regulations, ordinances and franchises in the city, and the city attorney shall take such legal actions as the mayor may direct for such purposes. He shall have authority to appoint, promote, demote, transfer, suspend and remove all officers and employees and to direct and control their work, except as otherwise provided in the Act. He shall submit to the council annual budgets, reports and such other information as he may deem necessary or the council may require. He shall have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made without his approval. If no other employee is designated as purchasing agent, he shall act as purchasing agent for the city. He may conduct inquiries and investigations into the conduct of the city's affairs and shall have such other powers and duties as may be provided by ordinances not inconsistent with this Act.

Section 3.02. City Attorney. The mayor shall appoint a city attorney, together with such assistant city attorneys as may be authorized by ordinance. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a part, shall be the prosecuting officer in the city court, shall attend all meetings of the council, shall advise the council, mayor and other officers and employees of the city concerning legal aspects of the city's affairs, shall approve as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, prescribed by the council or mayor.

Section 3.03. City Court. There is hereby established a court to be known as the "City Court of Lookout Mountain, Georgia", to be presided over by the City Judge, and the same shall be convened at such time as designated by ordinance or at such times as deemed necessary by the City Judge to dispose of the business of the court or both, and shall sit at a place designated by the City Judge. The City Court shall have the following jurisdiction and powers:

(a) To try and punish for crimes against the City of Lookout Mountain, Georgia and for the violation of its ordinances and to fix punishment for offense within its jurisdiction, not exceeding a fine of five hundred (\$500.00) dollars or imprisonment for ninety (90) days or both.

(b) To punish those in its presence, or so near thereto as to affect its operation, for contempt, provided that such punishment shall not exceed fifty (\$50.00) dollars or fifteen (15) days in jail.

(c) To establish a schedule of fees to defray the cost of operation and it shall be entitled to reimbursement of the cost of meals, transportation and caretaking of prisoners bound over to the superior courts for violation of State law.

(d) To establish bail and recognizances to insure the presence of those charged with violations and may prescribe the conditions for forfeiture of the same.

(e) To administer oaths and perform all other acts necessary or proper to conduct the City Court.

(f) To bind prisoners over to the appropriate court when it appears that a State law has been violated.

(g) To compel the presence of all parties necessary to a proper disposal of each case by the

issuance of summons, subpoenas and warrants which may be served and executed by any officer so authorized by this Charter or by State law.

The City Judge shall cause the City Court Clerk to keep such records of proceedings as shall be necessary to a full understanding of the charge, evidence and disposition of each case tried before the City Court. Appeals from the City Court shall be to the Superior Court of Walker County, Georgia. All reasonable rules and regulations relative to procedure and to the operation of the City Court may be enacted by the council, provided that such rules and regulations shall be consistent with the provisions set forth in this Charter and in conformance with the Constitution of the United States and State of Georgia and all laws of general application thereunder; provided, however, that the council may adopt in toto or in part the rules and regulations relative to procedure and to the operation of the superior courts under the general laws of the State of Georgia.

Section 3.04. City Judge and City Court Clerk. The council shall appoint and fix the salary of the City Judge for terms of two years and such salary shall not be changed during a term of office. The council may impeach and remove the City Judge for neglect or refusal to enforce the laws of the State and ordinances of the city, or for other misconduct in office or neglect of duty, but any person so removed may appeal to the Superior Court of Walker County and thence to the Supreme Court of the State. The council shall fill a **vacancy** in this office by appointment for the unexpired term. Cases during the absence or temporary disability of the City Judge shall be heard and decided by an acting City Judge appointed by the mayor. The compensation of an acting City Judge shall be fixed by ordinance. The council may authorize a city court clerk and other personnel to assist and to be appointed and

removed by the City Judge, to perform such duties as may be prescribed by ordinance or by the City Judge.

Section 3.05. Other officers and employees. The council by ordinance, after receiving the written recommendations of the mayor, may establish departments, agencies, offices and positions of employment and may abolish, combine or modify them in accordance with such recommendations. The powers and duties of such departments, agencies, offices and positions of employment may be defined by ordinance, and if not defined by ordinance shall be defined in formal rules and regulations issued by the mayor as provided in Section 2.09 of this Act, but in any event the mayor may require officers and employees of the city, except those appointed by and accountable to the council, to perform such additional duties as may be considered necessary by him for the proper and efficient conduct of the city's affairs. The salaries of all employees of the city shall be fixed by ordinance.

Section 3.06. Appointment, suspension and removal of Chief of Fire and Police. The Chief or Chiefs of the Fire Department and Police Department of the city as the same may be created by ordinance, shall be appointed, demoted, transferred, suspended and removed only upon the majority vote of the council and after a public hearing. During the suspension, the said Chief or Chiefs' salary may be reduced or eliminated, as determined by the council.

Section 3.07. Oath of office. Before a person takes any office in the city government, he shall take, subscribe to, and file with the city clerk the following oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Georgia, that I will, in all respects, observe the provisions of the charter and ordinances of the City of _____, and that I will faithfully discharge the duties of the office of _____."

Section 3.08. Official Bond. The mayor and every officer, agent, and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees as may be required by ordinance, shall give a fidelity bond or faithful performance bond, as provided by ordinance, with some surety company authorized to do business in the State of Georgia as surety, in such amount as shall be prescribed by ordinance. All such bonds and sureties thereto shall be subject to approval by the council. The cost of such bonds shall be paid by the city. All such bonds shall be kept in the custody of the city clerk, except that the city clerk's bond shall be in the custody of the mayor.

Section 3.09. Officers and employees not to profit from connections with city. No officer or employee of the city shall profit personally, directly or indirectly, from any contract, purchase, sale or service, between the city government and any person or company.

ARTICLE IV. FISCAL ADMINISTRATION

Section 4.01. Fiscal Year. The fiscal year of the city government shall be fixed by ordinance by the council.

Section 4.02. Mayor to submit annual budget. On or before a date fixed by the council but not later than forty-five days prior to the beginning of each fiscal year, the mayor shall submit to the council a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following: (a) revenue and expenditures during the preceding fiscal year, (b) appropriations and estimated revenue and expenditures for the current fiscal year, (c) estimated revenue and recommended expenditures for the next fiscal year, (d) a comparative statement of the assets, liabilities, reserves, and surplus at the end of the preceding year and estimated

assets, liabilities, reserves, and surplus at the end of the current fiscal year, and (e) such other information and data, such as work programs and unit costs, in justification of recommended expenditures, as may be considered necessary by the mayor or requested by the council.

Section 4.03. Public hearing. After receiving the budget from the mayor, the council shall fix a time and place for a public hearing thereon and shall cause a public notice thereof to be published once in the official city newspaper at least ten days in advance of the date of the hearing. The public hearing shall be held before the council at the stated time and place, and all persons present shall be given an opportunity to be heard.

Section 4.04. Action by council on budget. After the public hearing and before the beginning of the ensuing fiscal year, the council shall adopt an appropriation ordinance, based on the mayor's budget with such modifications as the council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department and agency. The council shall not make any appropriations in excess of estimated revenues, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the city; providing the council unanimously agrees there is such an emergency. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year, subject to amendments as provided in this section. Amendments may be made to the original appropriation ordinance at any time during a current fiscal year after a public hearing before the council on five days' notice published once in the official city newspaper, provided that increased appropriations may be made only

after the mayor has certified in writing that a sufficient amount of unappropriated revenue will be available, except for emergency appropriations as provided above. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be credited to the general fund, except that any balance remaining in any other fund at the end of a fiscal year may remain to the credit of that fund and be subject to further appropriation. At the end of each quarter of the fiscal year, the mayor shall submit a detailed budget report to the council, showing estimated and actual receipts and expenditures or encumbrances for that quarter and the fiscal year to the end of that quarter, as well as the amount encumbered or expended in excess of any of the itemized estimates of expenditures supporting the appropriations.

Section 4.05. Centralized purchasing. All contracts and purchases, except those that may be reserved to the council by ordinance, shall be made by the city purchasing agent, who shall be the mayor or an employee appointed by him. Any expenditure or contract for more than one hundred (\$100.00) dollars shall be made only after publication; advertisement and competition by sealed bids, as prescribed by ordinance and an award shall be made to the lowest and best bidder; provided that bids need not be required for professional services or for services for which the rates or prices are regulated by public authority. Competition by bids shall not be required for the purchase of equipment, materials or supplies from any other governmental agency.

Section 4.06. Sale of city property. The mayor may sell any city property which is obsolete, surplus or unusable, if the proceeds do not exceed five hundred (\$500.00) dollars, without taking bids, but sealed bids shall be taken or a public auction shall be held for any sale producing more than five hundred (\$500.00) dollars; provided that any sale for more than

one thousand (\$1,000.00) dollars or any sale of real estate shall be subject to approval by the council.

Section 4.07. Annual audit. The council shall employ a certified public accountant to make an annual audit of all financial books and records of the city. The accountant shall file his report with the council, at a time agreed to between him and the council, and shall prepare a summary of the report which shall be published once in the official city newspaper.

Section 4.08. Property Taxes. All tangible property subject to taxation for State or county purposes, including the capital stock of merchants and public service, companies, assessed as of the date of the County of Walker assessment date each year, shall be subject to the property tax levied by the city. The council by ordinance shall use the assessment set by Walker County, Georgia.

Section 4.09. Tax Levy. The council shall make a tax levy, not to exceed ten mills upon each dollar so assessed pursuant to Section 4.08, and if no tax levy is made within ninety (90) days prior to the tax due date, or within ninety (90) days prior to the due date of a second installment if two installments are authorized by ordinance, the property tax rate in effect the last fiscal year shall continue in effect as the tax rate for the new fiscal year. The maximum tax levy of ten mills shall remain in effect unless and until the same is increased upon the majority vote of the electors voting in a City Referendum called by the council either upon its own initiative, or after it has been presented with a petition signed by at least thirty (30%) per cent of the electors in the city requesting such a referendum. In any event, such a referendum shall not be held until due notice of the same shall have been published in the official city newspaper at least twice each week for a

period of four consecutive weeks, which notice shall contain the date and place where such referendum shall be held and the subject matter to be voted on.

Section 4.10. Tax due dates and tax bills.

The due dates of property taxes shall be fixed by ordinance and provision may be made for equal semi-annual installments. The city shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax. Property taxes shall become delinquent thirty (30) days after a due date, at which time a penalty of five (5%) per cent shall be added and thereafter such taxes shall be subject to interest at the rate of one-half of one per cent (1/2 of 1%) for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the city shall have the force and effect of a judgment of a court of record.

Section 4.11. Collection of delinquent taxes.

The council may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the mayor for the sale of goods and chattels to be executed by any police officer of the city under the laws governing execution of such process from a justice of the peace, or by the county trustee as provided by general law, or by the city attorney acting in accordance with general laws providing for the collection of delinquent city and/or county taxes, or by any two or more of the foregoing methods and by the use of any available legal processes and remedies. A lien shall exist against all property on which city property taxes are levied, as of the assessment date of January 10 of each year, which shall be superior to all other liens except that it shall have equal dignity with those for Federal, State or county taxes.

Section 4.12. Official depository. The council shall designate an official depository or depositories for deposit and safekeeping of the funds of the city, and may require such collateral security as it deems necessary.

ARTICLE V. MISCELLANEOUS

Section 5.01. Restrictions on actions for damages against the city. No action shall be maintained against the city for damages unless a written statement by the claimant or by his agent, attorney or representative, setting forth the basis for his claim, shall have been filed with the mayor within sixty days after such cause of action shall have occurred, except that when the claimant is an infant or non compos mentis, or an injured person dies within sixty days, the time limit for filing a claim shall be one hundred and twenty days. No officer or employee of the city may waive this requirement.

Section 5.02. Transfer of assets and assumption of liabilities. All assets of the Fairyland Fire District shall be transferred to the city and all liabilities of the Fairyland Fire District shall be assumed by the city.

Section 5.03. General laws may be used. The council in its discretion may elect to use the provisions of any general laws of the State in addition to or instead of the provisions of this Act.

Section 5.04. In the event any section, subsection, sentence, clause or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not

originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 5.05. Not less than 30 nor more than 60 days after the date of the approval of this Act by the Governor, or after it otherwise becomes law, it shall be the duty of the Ordinary of Walker County to issue the call for an election for the purpose of submitting this Act to the voters who reside in the corporate limits as provided in Section 1.03 of this Act for approval or rejection. The Ordinary shall set the date of such election for a day not less than 30 nor more than 60 days after the date of the issuance of the call. The Ordinary shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof, in the official organ of Walker County. The ballot shall have written or printed thereon the words:

"For approval of the Act incorporating the City of Lookout Mountain, Georgia.

"Against approval of the Act incorporating the City of Lookout Mountain, Georgia."

All persons desiring to vote in favor of the Act shall vote for approval, and those persons desiring to vote for rejection of the Act shall vote against approval. If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect, otherwise it shall be void and of no force and effect. The expense of such election shall be borne by Walker County. It shall be the duty of the Ordinary to hold and conduct such election. He shall hold such election under the same laws and rules and regulations as govern special elections, except as otherwise provided herein. It shall be the duty of the

Ordinary to canvass the returns and declare and certify the result of the election. It shall be his further duty to certify the result thereof to the Secretary of State.

Section 5.06. All laws and parts of laws in conflict with this Act are hereby repealed.

**NOTICE OF INTENTION
TO INTRODUCE LOCAL
LEGISLATION**

Notice is hereby given that there will be introduced at the Regular Session of the General Assembly, 1968, an act creating the City of Lookout Mountain, Georgia, in the County of Walker, said act providing a charter, definitions, city limits, corporate powers, a mayor and city council, organization and personnel, fiscal administration, and providing further for a referendum of the qualified voters in the affected area, and for other purposes.

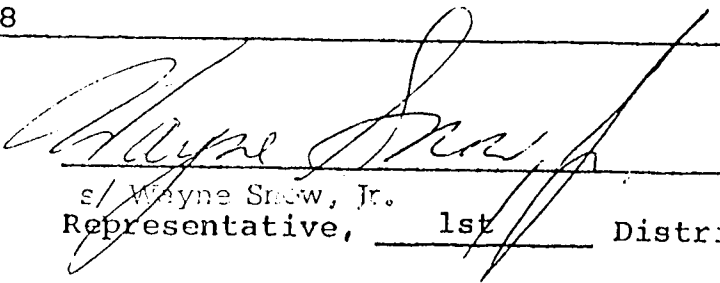
This 29th day of December, 1967.

WAYNE SNOW, JR.
Representative
District 1, Post 3

1-17-3t

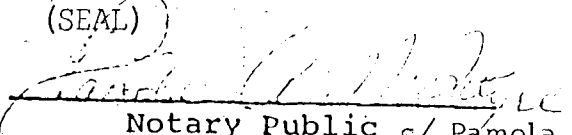
GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, WAYNE SNOW, JR. who, on oath, deposes and says that he is Representative from the 1st District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Walker County Messenger which is the official organ of Walker County, on the following dates: January 3, 10 and 17th, 1968


s/ Wayne Snow, Jr.
Representative, 1st District

Sworn to and subscribed
before me this 23rd day
of January, 1968.

(SEAL)


Notary Public s/ Pamela A. McIntyre

H. B. No. 1105

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Notary Public, Georgia, State at Large
My Commission Expires Jan. 9, 1971