

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 267

AN ORDINANCE to amend the City of Lookout Mountain, Georgia's Ordinance No. 187, as heretofore amended by Ordinance Nos. 213, 217, 233, 238 and 263, by providing for the levy of sewer service charges for the additional purposes set forth herein, by authorizing charges and fees for sewer service in addition to charges based on water consumption, by authorizing the City of Lookout Mountain to enter into sewer billing service arrangements with entities other than the water company, 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 2-1 thereof in its entirety and the substitution of the following therefor:

Sec. 2-1. Levied.

For the purpose of paying or contributing to the payment of the interest, principal and other obligations of the City pursuant to the promissory note and such other instruments and contracts heretofore or hereafter issued or entered into by the City for or in connection with the payment or the refinancing of the costs and expenses necessary or incidental to the construction of the sewer system and the acquisition, construction and installation of additions, extensions and improvements to the sewer system, consisting of sanitary sewers, intercepting and outfall sewers, and pumping facilities, and for the costs and expenses necessary or incidental to the operation and maintenance of the sewers and sewer system and sewage disposal facilities of the City, there hereby are imposed sewer service charges upon the owner or occupant of all property now served or which may hereafter be served by the City's sewer system at the rates and other amounts set forth in this Article. Such charges shall be paid regardless of whether the owner or occupant of the property has elected to connect to and utilize the City's sewer system, so long as sewer service is available to the property.

Section 2. The City of Lookout Mountain, Georgia's Ordinance No. 187, as heretofore amended, is further amended by the deletion of Section 2-4 thereof in its entirety and the substitution of the following therefor:

Sec. 2-4 Charges to be Based on Water Consumption; Additional Fees.

The sewer service charges imposed by this Article shall be based upon the water consumption of the owner or occupant of the properties served, as measured by the meters of the water company or meters installed by the owner or occupant of property, as provided in this Article; provided, however, that the City may impose additional charges and fees which the City Council may determine to be reasonably necessary to pay the City's obligations, costs and expenses associated with the sewer system as described in Section 2-1 of this Ordinance.

Section 3. The City of Lookout Mountain, Georgia's Ordinance No. 187, as heretofore amended, is further amended by the deletion of Section 2-5 thereof in its entirety and the substitution of the following therefor:

Sec. 2-5. Billing Procedure.

- (a) The sewer service charges shall become effective upon water usage, shall be at the rates and other fees and charges hereinafter imposed, and shall be billed by the water company or by any other private or governmental entity with which the City may contract for sewer billing services. Such sewer charges shall be paid within 18 days after the issuance of the bill. If charges are not paid within said 18-day period, they shall be considered delinquent, and the City may, in addition to other available remedies, provide notice to the water company under applicable state law that water service to the customer is to be suspended.
- (b) Sewer service charges shall be billed as a separate designated item on the bills issued by the water company or other billing service provider.
- (c) Billing shall begin and the sewer service charges shall become payable upon the property owner's or occupant's connection to the City's sewer system or within one hundred eighty (180) days after the City Manager's or Superintendent's issuance of notice pursuant to Section 1-3(a) of this Ordinance that sewer service is available for the property, whichever occurs first. Consistent with Section 2-1 of this Ordinance, all owners or occupants to whom sewer service is available shall be billed for the sewer service charges regardless of whether they have elected to connect to the City's sewer system.

Section 4. The City of Lookout Mountain, Georgia's Ordinance No. 187, as heretofore amended, is further amended by the addition of the following new Paragraph (b) to Section 2-6 of the Ordinance:

- (b) Additional Monthly Service Charges. In addition to the sewer service charges based on the quantity of water used as set forth in Paragraph (a) above, each owner or occupant of a residential (both single family and multi-family), commercial, institutional, tourist or church-related property which is obligated to pay sewer service charges pursuant to Section 2- 2 of this Ordinance or pursuant to any contract or agreement with the City shall pay a monthly service charge of \$15.00 for each lot or parcel of residential real estate and for each commercial, institutional, tourist or church-related establishment for which sewer service is provided or available.

Section 5. Except as provided in the above Sections 1-4 of this Ordinance, Ordinance No. 187, as heretofore amended, shall remain in full force and effect, unaffected by this Ordinance.

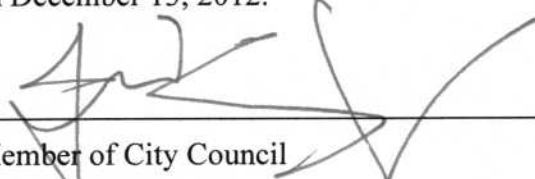
Section 6. Severability. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be affected, since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

Section 7. 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 8. Repealer. All ordinances or parts of ordinances 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.

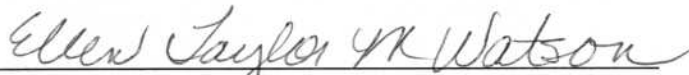
APPROVED on first reading on December 13, 2012.



Member of City Council



Member of City Council



Member of City Council


Member of City Council

Member of City Council

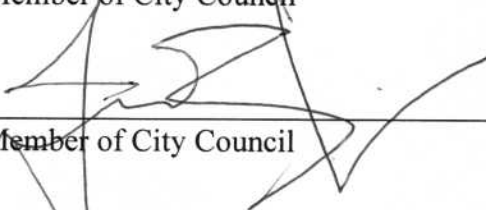


Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on December 20, 2012.



Member of City Council



Member of City Council

Ann Dethman
Member of City Council

Ellen Taylor M. Watson
Member of City Council

Member of City Council

William Starob
Mayor of Lookout Mountain, Georgia



ATTEST:

Cindy Rott
City Clerk