

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 94

AN ORDINANCE

To amend in its entirety Ordinance No. 28 as amended by Ordinance No. 36 and Ordinance No. 60, to establish refuse and garbage classifications; to regulate the removal of refuse; to regulate the dumping, burning, burying and accumulation of refuse and litter; to regulate the distribution of handbills; 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. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance.

1.1 Approved Container. Approved container shall mean and include standard containers and special containers, all of which must be maintained in a state of good repair.

1.2 Ashes. Ashes shall mean and include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

1.3 City. City shall mean the City of Lookout Mountain, Georgia, a municipal corporation, chartered under the laws of the State of Georgia.

1.4 Collector. Collector shall mean and include any person, firm, or corporation that engages in the business of collecting, transporting, or disposing of any refuse within the city.

1.5 Commercial Handbill. Commercial handbill shall mean any printed or written matter, any sample or device,

dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature advertising any product, commodity or thing for sale, promoting any business, mercantile or commercial establishment, promoting any event of any kind for which an admission fee is charged except in those instances where the admission fee is for the sole purpose of defraying the cost of the event, or consisting of predominantly advertising material for the private benefit and gain of the distributor of the material.

1.6 Dwelling Unit. Dwelling unit shall mean a house or other structure or a portion of any building or structure designed, arranged and used for living quarters for one or more persons living in a single housekeeping unit with cooking facilities.

1.7 Garbage. Garbage shall mean and include all putrescible and non-putrescible wastes, except sewage and body wastes resulting from the handling, preparation, cooking or consumption of food, tin cans, glass, paper or other containers, newspapers, and vegetable and animal offal.

1.8 Leaves. The word "leaves" includes grass, leaves, clippings, twigs, nuts and other substances usually handled along with leaves.

1.9 Litter. Litter shall mean "refuse" as defined in this section, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

1.10 Multiple Dwelling. Multiple dwelling shall mean a building designed for and containing three (3) or more dwelling units.

1.11 Newspaper. Newspaper shall mean any newspaper of general circulation, as defined by general law; any newspaper duly entered with the post-office department of the United

States; and, any periodical or current magazine regularly published with not less than four (4) issues each year and sold to the public.

1.12 Noncommercial Handbill. Noncommercial handbill shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

1.13 Person. Person shall mean any individual, corporation, partnership, association or other body.

1.14 Public Place. Public place shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

1.15 Refuse. Refuse shall mean and include "garbage," "leaves," and "trash."

1.16 Special Container. Special container shall mean and include a container having a capacity of not over eight (8) cubic yards, so constructed that the container can be handled by the collector, and having a tight fitting cover or closure.

1.17 Standard Container. Standard container shall mean a roll-out container on wheels supplied to the residents by the City.

1.18 Trash. Trash shall mean and include all non-putrescible waste materials, except ashes and garbage, from all public and private residences and establishments.

## SECTION 2. ADMINISTRATION AND ENFORCEMENT OF ORDINANCE.

### 2.1 Right of City to Acquire and Operate Removal System.

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 its residences. No person other than the City or its collector shall engage in the business of refuse removal or disposal for the residences of this city.

2.2 Rules and Regulations for Operation and Maintenance of Removal System. The City shall promulgate and establish rules and regulations governing the operation and maintenance of the refuse removal system. These rules and regulations shall be kept on file, open to the public, at City Hall.

Nothing in this Ordinance shall be deemed to affect the validity of such rules and regulations and the same are hereby recognized as continuing in full force and effect.

### SECTION 3. REFUSE ACCEPTABLE FOR COLLECTION.

#### 3.1 Acceptable Refuse.

(A) Garbage, ashes and trash shall constitute acceptable refuse for collection by the collector. Dangerous materials or substances such as poisons, acids, caustics and explosives; materials resulting from the repair, excavation or construction of buildings such as, but not limited to, earth and plaster; and solid wastes resulting from industrial processes constitute refuse unacceptable for collection by the collector.

(B) Leaves shall constitute acceptable refuse for collection but trees, bushes, brush and any and all types of vegetation cut by commercial tree trimmers, landscapers or building contractors shall constitute refuse unacceptable for collection by the collector.

3.2 Responsibility for Unacceptable Refuse. Any person responsible for refuse not acceptable for collection

by the collector shall make such arrangements as may be necessary for the collection and disposal of such unacceptable refuse, and in no case shall such unacceptable refuse be stored for more than seven (7) days by any person prior to the disposal of same.

SECTION 4. PREPARATION AND STORAGE OF ACCEPTABLE REFUSE.

4.1 Regulation of Standard Containers.

(A) The City shall provide a standard container for each single family and duplex dwelling in the City.

(B) The user is required to maintain the standard container in a sanitary condition, keeping the lid closed at all times, except for filling, emptying, and cleaning, and free from odor. The user is also required on collection day, to roll the standard container to the front street and park it where it is easily accessible to the garbage collector from the street or sidewalk. The collector will not pick up garbage from a standard container that is behind a fence, in a building, or parked where it cannot be reached from the street or sidewalk. Standard containers will not be parked in the street or blocking a sidewalk. Residents are responsible for rolling the standard containers back to their residence after garbage has been picked up.

(C) Nothing contained herein shall prevent the City from granting an exception to the provisions of the foregoing subsection (B) to individual residents who, due to old age or physical or mental infirmity, are unable to roll the standard container to the front street. Such exception may be made by the City Council or its appointed designate.

(D) The roll-out cart is property of the City. Construction materials, dirt, hot coals, poisons, oil, gasoline, paints or other dangerous, caustic, or flammable materials shall not be placed in it. If a cart is damaged, lost or stolen, the user should notify the City immediately, and the user shall bear the cost of replacement or repair. The cart may not be moved to another lot.

4.2 Regulation of Commercial Refuse Storage. The owners of any commercial establishment and the manager of any multiple dwelling unit shall store garbage, ashes and trash in special containers and said special containers shall be placed in a location approved by the city. Cardboard

boxes shall be flattened before being placed in any special container. The owner of any commercial establishment and the manager of any multiple dwelling unit shall maintain the area surrounding such commercial containers clean and free of accumulations of refuse.

4.3 Leaves. The owner of any single dwelling unit and the manager of any multiple dwelling unit shall cause all leaves thereon to be accumulated for collection on the property of such owner or manager immediately adjacent to a street or other public place in such a manner as to facilitate collection of said leaves by the collector.

#### SECTION 5. COLLECTION OF ACCEPTABLE REFUSE.

5.1 Commercial Establishments and Multiple Dwelling Units. The owner of any commercial establishment and the manager of any multiple dwelling unit shall receive such garbage, ash and trash service as may be agreed upon from time to time by such owner or manager, as the case may be, and the City or its collector and any multiple dwelling unit shall receive biweekly leaf service.

5.2 Unacceptable Refuse. The collector shall not be responsible for collecting unacceptable refuse as defined in Section 3.1 hereof.

5.3 Discontinuance of Service. Collection service shall be discontinued where standard or special containers are inadequate or unfit and notice of such inadequacy or unfitness has been given as hereinafter provided to the owner or manager of the premises who has refused to correct the situation then existing.

#### SECTION 6. DISPOSAL OF REFUSE BY CITY AND ITS COLLECTOR.

6.1 Vehicles Transporting Refuse. All vehicles used for the collection and transportation of refuse must be so constructed, maintained and operated as to be easily cleaned

and so as to prevent spilling, leaking, falling or scattering of refuse in the course of the operation of removing same.

6.2 Disposal Site. The City and its collector shall dispose of refuse only by the most sanitary method possible, and only in such areas as may from time to time be designated as approved disposal sites by the State of Georgia. The City shall pay such fees as may be assessed for the use of such approved disposal facilities.

SECTION 7. CHARGES FOR SERVICES RENDERED BY REMOVAL SYSTEM.

7.1 Fees and Charges. The fees and charges for refuse removal services rendered single dwelling units shall be as established from time to time by the Council of the City. Fees and charges for refuse removal services rendered any commercial establishment or any multiple dwelling unit shall be as agreed upon from time to time by the owner of such commercial establishment or the manager of such multiple dwelling unit, as the case may be, and the City.

7.2 Assessment of Fees and Charges.

(A) The fees and charges for refuse removal services rendered single dwelling units shall be added to the City ad valorem tax bills for each calendar year and shall constitute a lien against the property so charged in the same manner, with like effect, and effective at the same time as the City ad valorem tax lien.

(B) The fees and charges for refuse removal service rendered any commercial establishment or any multiple dwelling unit shall be payable on April 1, July 1, October 1 and January 1 of each year following the rendering of such service for the preceding quarter; provided, however, that payment for such service may be made at such other time and on such other terms and conditions as the City may agree.

SECTION 8. GARBAGE CLASSIFICATIONS OF OWNERS OF SINGLE DWELLING UNITS.

8.1 CLASSIFICATION SYSTEM ABOLISHED. The classification system for refuse removal services previously set forth in Section 8 of Ordinance No. 60 is hereby abolished, and all owners of single dwelling units in the City shall pay the same fees and charges for refuse removal services established by the Council of the City pursuant to Section 7 hereof; provided, however, that those owners of single dwelling units who, as of the date of the final passage of this Ordinance, were approved for the former Classification II, shall continue to be entitled to the benefits and to be subject to the burdens of Classification II as set forth in Ordinance No. 60, and the Council of the City may establish such reduced fees and charges for said owners as the Council, in its sole discretion, deems appropriate.

8.2 Duration of Classification. No property owner who, as of the date of the final passage of this Ordinance, was not approved for the former Classification II shall be entitled to Classification II treatment, said Classification II being hereby abolished from the date of the final passage of this Ordinance forward. Whenever there is any change in occupancy of any dwelling unit presently approved for Classification II, other than vacating by one or more previous occupants without any new persons becoming an occupant, such dwelling unit shall automatically lose its Classification II status, without notice to the occupants thereof. The owner of said dwelling unit shall thereafter be required to pay the standard fees and charges established pursuant to Section 7 hereof.

8.3 Vacant Dwelling Unit - Rebate of Fees. Upon application, fees and charges for refuse removal service will be rebated for each month a dwelling unit is vacant, if no refuse removal service is required, but only if such



dwelling unit is vacant for three (3) consecutive months or more. Applications shall be made quarterly for the preceding quarter. Failure to file an application within three (3) months after the quarter for which the rebate is desired will constitute a waiver of the right of rebate herein granted for such quarter.

SECTION 9. REGULATION OF PRIVATE TRANSPORTATION OF DISPOSAL OF REFUSE.

9.1 Transportation of Refuse. It shall be unlawful for any person other than the collector for 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.

9.2 Disposal of Refuse. It shall be unlawful for any person to dump or cause to be dumped any refuse anywhere in the City except as may be permitted by the City in approved refuse disposal sites; provided, however, nothing herein shall be construed to prevent the dumping on private property with the owner's permission of refuse material suitable for use as a fill to raise the elevation of the land, provided that the same is not maintained in an unsightly condition.

9.3 Disposal of Refuse by Burning. It shall be unlawful, except upon special permit issued by the Chief of Police, to burn any refuse, including leaves, or litter or other substances of any kind; provided, however, nothing herein shall be construed to prevent the burning of charcoal, wood and kindling for cooking purposes in properly constructed and supervised barbecue pits and other outdoor cooking facilities.

SECTION 10. REGULATION OF LITTER.

10.1 Deposit of Litter on Private Property. No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any other private property.

10.2 Deposit of Litter on Vacant Lots. No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

10.3 Deposit of Litter on Public Place; Litter from Vehicles. No person, whether a driver or passenger in a vehicle or otherwise, shall throw or deposit litter upon any sidewalk, street or other public place within the City or upon any private property nor permit others to do so. Each occupant of any vehicle from which litter is thus thrown or deposited by any person shall report the same immediately to the City police, failing which he or she shall become an accessory and punishable as and for a misdemeanor.

10.4 Deposit of Litter in Fountains, Lakes, Etc. No person shall throw or deposit litter, including without limitation, soaps, detergents or other substances, in any fountain, pond, lake, stream, or any other body of water within the City.

10.5 Depositing Litter in Receptacles. Persons placing litter in authorized public receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

SECTION 11. DISTRIBUTION OF HANDBILLS.

11.1 Distribution of Handbills in Public Places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalks, street or other public place within the City. Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

11.2 Placing Handbills on Vehicles. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle parked in a public place; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a commercial or noncommercial handbill to any occupant of a vehicle who is willing to accept it.

11.3 Depositing Handbills on Uninhabited or Vacant Premises. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

11.4 Distributing Handbills at Inhabited Private Premises.

(A) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting such handbill directly to the owner, occupant or other person in or upon such private premises.

(B) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place.

11.5 Posting of Notices and Handbills. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole, shade tree or traffic sign, within any right-of-way for any street or road, or upon any public structure or building, except as may be authorized or required by law.

SECTION 12. NOTICE AND CORRECTION OF VIOLATIONS OF ORDINANCE.

12.1 Notice.

(A) Whenever the Council of the City determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, they shall give notice of such alleged violaton to the person or persons responsible therefor. Such notice shall:

- (i) Be put in writing.
- (ii) Include a statement of the reasons why it is being issued.
- (iii) Be served upon the owner or his agent or the occupant of the premises where the alleged violation took place.
- (iv) Allow a reasonable time for the performance of any act required by such notice.

(B) The notice provided for in Subsection (A) may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance. If such corrective action is not taken, the City Council may correct the same and, upon completion of the work, shall determine the reasonable cost thereof and bill the owner or tenant therefor.

12.2 Emergency Action. Whenever the Council of the City finds that a situation exists which endangers the public health it may, as an emergency measure, correct the same without any notice to the owner or occupant of the premises and, upon completion of the work, determine the

reasonable cost thereof and bill the owner or tenant therefor. This charge shall constitute a lien upon the property where the corrective measure is taken and such lien shall be enforced as are other ad valorem tax liens of the City.

12.3 Violating a Misdemeanor. A violation of this Ordinance shall constitute a misdemeanor and be punishable as provided in Section 1-8 of the Code of Ordinances of the City.

12.4 Additional Remedies. The provisions of this Section 12 are not exclusive but cumulative and shall be in addition to the penalties imposed for a violation of this Ordinance. The notice provided for herein shall not be a prerequisite to prosecution for violating any provision of this article.

### SECTION 13. MISCELLANEOUS.

13.1 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.

13.2 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.

13.3 Repealer. All other ordinances or parts thereof heretofore enacted by the City, including but not by way of limitation Ordinance Nos. 28, 36 and 60, in conflict herewith are hereby repealed.

13.4 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 18, 1980.

B. H. Pethwa  
Member of City Council  
Lookout Mountain, Georgia

S. H. Smith  
Member of City Council  
Lookout Mountain, Georgia

John Smith  
Member of City Council  
Lookout Mountain, Georgia

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Member of City Council  
Lookout Mountain, Georgia

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Member of City Council  
Lookout Mountain, Georgia

Tom Brines  
Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on January 15, 1981.

Reginald W. Good  
Member of City Council  
Lookout Mountain, Georgia

B. H. Pethwa  
Member of City Council  
Lookout Mountain, Georgia


Henry [unclear]  
Member of City Council  
Lookout Mountain, Georgia

[unclear]  
Member of City Council  
Lookout Mountain, Georgia

Member of City Council  
Lookout Mountain, Georgia

  
Vice-Mayor of Lookout Mountain, Georgia

ATTEST:

  
Carolin J. Brooks  
City Clerk of Lookout  
Mountain, Georgia