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STATE OF GEORGIA  
CITY OF HAPEVILLE

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 87 (“PLANNING”), ARTICLE 2 (“PLANNING COMMISSION”), SECTION 87-2-3 (“ORGANIZATION; RULES, STAFF, FINANCES”); CHAPTER 87 (“PLANNING”), ARTICLE 3 (“BOARD OF ZONING APPEALS”), SECTION 87-3-1 (“APPOINTMENT”); CHAPTER 87 (“PLANNING”), ARTICLE 3 (“BOARD OF ZONING APPEALS”), SECTION 87-3-2 (“PROCEDURE”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the Mayor and Council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

**WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and,

**WHEREAS**, amendments to any of the provisions of the City’s Code may be made by amending such provisions by specific reference to the section number of the City’s Code; and,

**WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,

**WHEREAS**, every official act of the Mayor and Council which is to become law shall be by ordinance; and,

**WHEREAS**, the governing authority of the City finds it desirable to amend and update the appointments allotted for the Board of Appeals and attendance requirements for the Board of Appeals and the Planning Commission.

**BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA THAT:**

**Section One.** Chapter 87 (Planning), Article 2 (Planning Commission), Section 87-2-3 (Organization; rules; staff; finances) of the City Code of Ordinances is hereby amended by adding subsection (d), which shall state the following language:

(d) Should a member of the planning commission fail to attend five or more meetings in one four-year term, they shall immediately forfeit their membership on the commission. A new

# **DRAFT**

replacement member is to then be selected and appointed to fill the remainder of the term per the regulations set forth in section 87-2-2.

**Section Two.** Chapter 87 (Planning), Article 3 (Board of Zoning Appeals), Section 87-3-1 (Appointments) of the City Code of Ordinances is hereby amended by striking the section in its entirety and inserting in lieu thereof the following language:

The board of appeals of the city is hereby established in accordance with the provisions of this chapter. This board shall consist of seven members appointed by the mayor and council. The board members shall be reimbursed for expenses as directed by the mayor and council. Each member of the board shall be a resident of the city at the time of appointment and for at least six months immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board. The members shall serve for overlapping terms of three years. No members shall hold any other public office or position. The board of appeals shall adopt rules in accordance with the provisions of this chapter for the conduct of its affairs.

**Section Three.** Chapter 87 (Planning), Article 3 (Board of Zoning Appeals), Section 87-3-2 (Procedures) of the City Code of Ordinances is hereby amended by adding subsection (e), which shall state the following language:

(e) Should a member of the board of appeals fail to attend four or more meetings in one three-year term, they shall immediately forfeit their membership on the board. A new replacement member is to then be selected and appointed to fill the remainder of the term per the regulations set forth in section 87-3-1.

**Section Four. Codification and Certify.** This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

**Section Five. Severability.**

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the

**DRAFT**

express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section Six. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section Seven. Effective Date.** The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF HAPEVILLE, GEORGIA**

\_\_\_\_\_  
**Alan Hallman, Mayor**

**ATTEST:**

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Crystal Griggs-Epps, City Clerk

**APPROVED BY:**

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City Attorney