

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE NO. 2012-06

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HAPEVILLE, GEORGIA BY AMENDING CODE SECTION 93-12-2(b); TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, a public hearing was held by the Mayor and Council of the City of Hapeville, Georgia;

WHEREAS, the Mayor and Council of the City of Hapeville find that this Ordinance is in the best interest of the citizens of Hapeville, Georgia; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Hapeville, Georgia that:

Section 1.

The Code of Ordinances of the City of Hapeville is hereby amended by amending section 93-12-2(b) to add subsection 93-12-2(b)(13)-(16) to read as follows:

“Sec. 93-12-2. Permitted uses.

....

(b) The following uses are permitted in any C-R zone subject to the general requirements of the zone; and subject further to the site plan review requirements of section 93-2-16

....

(13) Art galleries, in buildings of not more than 6,000 square feet of floor area.

(14) North American Industry Classification System (NAICS) Code 712110 Museums, in buildings of not more than 6,000 square feet of floor area.

(15) NAICS Code 711510 Independent Artists, Writers, and Performers, in buildings of not more than 6,000 square feet of floor area.

(16) NAICS Code 453920 Art Dealers, in buildings of not more than 6,000 square feet of floor area.”

Section 2.

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, 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 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 3.

All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

Section 5.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hapeville.

Section 6.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Hapeville, Georgia

and the sections of this Ordinance may be renumbered to accomplish such intention.

Public Hearing: June 5, 2012, August 7, 2012

First Reading: August 7, 2012

Adoption: August 7, 2012

This Ordinance having been properly considered and adopted by the City Council of the City of Hapeville, Georgia, the same is hereby APPROVED this 7 day of August, 2012.

CITY OF HAPEVILLE, GEORGIA

SIGNATURE OF FILE

Alan Hallman, Mayor

ATTEST:

SIGNATURE OF FILE

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

SIGNATURE OF FILE

Paul R. Koster, City Attorney