

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93, ARTICLE 28, SECTION 9, SUBSECTION (G) OF “ACCESSORY USES”; TO AMEND CHAPTER 93, ARTICLE 28, SECTION 12, SUBSECTION (5) OF “USE SPECIFIC STANDARDS”; TO REPEAL CHAPTER 93, ARTICLE 28, SECTION 12, SUBSECTION (6) OF “USE SPECIFIC STANDARDS”; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER 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 of Hapeville (hereinafter “City”), its officers, agencies, or employees granted by the City’s Charter or by state law; and,

WHEREAS, the municipal government of the 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, 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in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,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, amendments to any of the provisions of the City’s Code of Ordinances may be made by amending such provisions by specific reference to the section number of the City’s Code of Ordinances; and,

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

NOW, THEREFORE, BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE:

SECTION 1. Chapter 93 of the Code of Ordinances of the City is hereby amended by repealing Section 93-28-9(g) in its entirety, and replacing in lieu thereof, the following:

(g) Makerspaces.

SECTION 2. Chapter 93 of the Code of Ordinances of the City is hereby amended by repealing Section 93-28-12(5) in its entirety, and replacing in lieu thereof, the following:

(5) *Consignment stores and thrift stores.*

- a. Consignment stores and thrift stores may only open and operate on the following two streets in the city:
 1. Dogwood Drive, and
 2. That portion of Virginia Avenue from South Central Avenue to Doug Davis Drive.

SECTION 3. Chapter 93 of the Code of Ordinances of the City is hereby amended by repealing Section 93-28-12(6) in its entirety.

SECTION 4. Codification. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

SECTION 5. 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 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 6. Repeal of Conflicting Ordinances. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 7. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City, unless otherwise stated herein.

SO ORDAINED this ___ day of _____, 2018.
CITY OF HAPEVILLE

ALAN HALLMAN, MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY