

1 **STATE OF GEORGIA**  
2 **CITY OF HAPEVILLE**

3  
4 **ORDINANCE NO. \_\_\_\_\_**  
5

6 **AN ORDINANCE TO AMEND CHAPTER 87 (“PLANNING”), ARTICLE 2 (“PLANNING**  
7 **COMMISSION”), SECTION 87-2-3 (“ORGANIZATION; RULES, STAFF, FINANCES”);**  
8 **CHAPTER 87 (“PLANNING”), ARTICLE 3 (“BOARD OF ZONING APPEALS”),**  
9 **SECTION 87-3-1 (“APPOINTMENT”); CHAPTER 87 (“PLANNING”), ARTICLE 3**  
10 **(“BOARD OF ZONING APPEALS”), SECTION 87-3-2 (“PROCEDURE”) OF THE CODE**  
11 **OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**  
12 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**  
13 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**  
14

15 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the  
16 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,  
17 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,  
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19 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and  
20 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be  
21 the legislative body of the City; and,  
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23 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by  
24 amending such provisions by specific reference to the section number of the City’s Code; and,  
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26 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its  
27 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall  
28 remain effective until they have been repealed, modified or amended; and,  
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30 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be  
31 by ordinance; and,  
32

33 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the  
34 appointments allotted for the Board of Appeals and attendance requirements for the Board of  
35 Appeals and the Planning Commission.  
36

37 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**  
38 **THE CITY OF HAPEVILLE, GEORGIA THAT:**  
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40 **Section One.** Chapter 87 (Planning), Article 2 (Planning Commission), Section 87-2-3  
41 (Organization; rules; staff; finances) of the City Code of Ordinances is hereby amended by adding  
42 subsection (d), which shall state the following language:  
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44 (d) Should a member of the planning commission fail to attend five or more meetings in  
45 one four-year term, he or she shall be subject to termination and replacement by the Mayor and  
46 City Council. The member shall be given the opportunity to address Mayor and Council in regard

47 to the absences. If Mayor and City Council shall deem necessary, a new replacement member will  
48 be selected and appointed to fill the remainder of the term per the regulations set forth in section  
49 87-2-2.

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51 **Section Two.** Chapter 87 (Planning), Article 3 (Board of Zoning Appeals), Section 87-3-  
52 1 (Appointments) of the City Code of Ordinances is hereby amended by striking the section in its  
53 entirety and inserting in lieu thereof the following language:

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

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65 **Section Three.** Chapter 87 (Planning), Article 3 (Board of Zoning Appeals), Section 87-  
66 3-2 (Procedures) of the City Code of Ordinances is hereby amended by adding subsection (e),  
67 which shall state the following language:

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

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

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77 **Section Five. Severability.**

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

82  
83 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
84 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
85 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
86 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
87 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance  
88 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this  
89 Ordinance.

90  
91 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
92 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable

93 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of  
94 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
95 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
96 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to  
97 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
98 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
99 effect.

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

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

106  
107 **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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109 **CITY OF HAPEVILLE, GEORGIA**

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115 **Alan Hallman, Mayor**

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117 **ATTEST:**

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121 \_\_\_\_\_  
122 Crystal Griggs-Epps, City Clerk

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125 **APPROVED BY:**

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129 \_\_\_\_\_  
130 City Attorney