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1 STATE OF GEORGIA
2 CITY OF HAPEVILLE

3
4 ORDINANCE NO. _____
5

6 AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 1 (“TITLE,
7 DEFINITIONS AND APPLICATION OF REGULATIONS”), SECTION 93-1-2
8 (“DEFINITIONS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE,
9 GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING
10 ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR
11 OTHER LAWFUL PURPOSES.
12

13 WHEREAS, the Mayor and Council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
16

17 WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,
20

21 WHEREAS, amendments to any of the provisions of the City’s Code may be made by
22 amending such provisions by specific reference to the section number of the City’s Code; and,
23

24 WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,
27

28 WHEREAS, every official act of the Mayor and Council which is to become law shall be
29 by ordinance; and,
30

31 WHEREAS, the procedures required for amending the City’s zoning ordinance have been
32 satisfied, including, but not limited to, notice and public hearings; and,
33

34 WHEREAS, the governing authority of the City finds it desirable to amend and update the
35 ordinances regarding veterinarians, animal hospitals, and kennels.
36

37 BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF
38 THE CITY OF HAPEVILLE, GEORGIA THAT:
39

40 **Section One.** Chapter 93 (Zoning), Article 1 (Title, Definitions and Applications of
41 Regulations), Section 93-1-2 (Definitions) of the City Code of Ordinances is hereby amended by
42 adding the following definitions to Section 93-1-2(c):
43

44 *Animal Hospital.* Any facility used by a veterinarian or their staff to treat diseased or
45 injured animals, and to board animals exclusively as required for treatment.
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47 *Veterinarian.* Any facility used by a person who holds a license to practice the profession
48 of veterinary medicine in the state. Veterinarians may board animals exclusively as required for
49 treatment.
50

51 Chapter 93 (Zoning), Article 1 (Title, Definitions and Applications of Regulations), Section 93-1-
52 2 (Definitions) of the City Code of Ordinances is hereby further amended by replacing the
53 definition of “Kennel” in Section 93-1-2(c) with the following language:
54

55 *Kennel.* Any building or land use, designed or arranged for the boarding, breeding, or care
56 of dogs or cats for a fee. A ‘kennel’ does not include a facility that boards animals exclusively as
57 part of veterinary care.
58

59 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified
60 and certified in a manner consistent with the laws of the State of Georgia and the City.
61

62 **Section Five. Severability.**

63
64 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
65 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
66 believed by the Mayor and Council to be fully valid, enforceable and constitutional.
67

68 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
69 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
70 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
71 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
72 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
73 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
74 Ordinance.
75

76 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
77 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
78 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
79 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
80 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
81 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
82 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
83 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
84 effect.
85

86 **Section Six. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
87 in conflict herewith are hereby expressly repealed.
88

89 **Section Seven. Effective Date.** The effective date of this Ordinance shall be the date of
90 adoption unless otherwise stated herein.
91

92 **ORDAINED** this _____ day of _____, 2019.

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CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney