

**ORDINANCE NO: 2019-043**

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE HIALEAH CODE OF ORDINANCES CHAPTER 18, ENTITLED "BUSINESSES", ARTICLE VI.- PEDDLERS, SOLICITORS, ITINERANT VENDORS, § 18-308 SALE OF CHRISTMAS TREES BY NONPROFIT ORGANIZATIONS; ELIMINATING THE LIMIT ON THE TYPE OF ORGANIZATION ALLOWED TO SELL TREES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Christmas trees are sold by both profit and nonprofit organizations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1.** Chapter 18, entitled "Businesses", Article VI. - Peddlers, Solicitors, Itinerant Vendors, § 18-308 Sale of Christmas trees by nonprofit organizations, is amended as follows:

**CHAPTER 18 BUSINESSES**

\* \* \*

**ARTICLE VI. - PEDDLERS, SOLICITORS, ITINERANT VENDORS**

\* \* \*

**Sec. 18-308. - Sale of Christmas trees by nonprofit organizations.**

~~A nonprofit organization~~ The sale of Christmas trees shall be allowed to ~~sell Christmas trees~~ at one location ~~within the city~~ citywide, per ~~organization~~ applicant, with an express permit issued upon the authorization of the city council.

\* \* \*

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

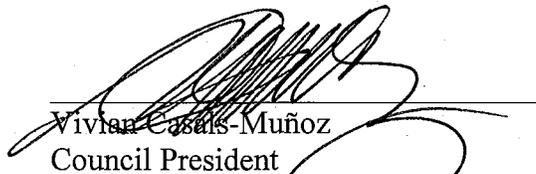
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

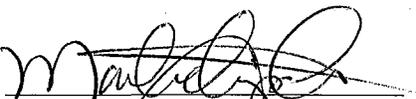
PASSED and ADOPTED this 28 day of May, 2019.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Vivian Casals-Munoz  
Council President

Attest:

Approved on this 10 day of June, 2019.

  
Marbelys Fatjo, City Clerk

  
Carlos Hernandez, Mayor

~~Approved as to form and legal sufficiency:~~

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers,  
Zogby, Cue-Fuente, Casals-Munoz, Garcia-Martinez, Hernandez,  
Caragol voting "Yes" and with Councilmember Lozano absent.

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