

ORDINANCE NO. 2019-056

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 50 ENTITLED "HOUSING", ARTICLE II. MINIMUM HOUSING CODE, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, ADDING A NEW SECTION 50-30 ENTITLED "STORM SHUTTERS", TO PROVIDE FOR STORM SHUTTER REGULATIONS INCLUDING CONDITIONS DURING WHICH STORM SHUTTERS CAN BE USED, AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is for the health, safety and welfare, order, aesthetics, good governance and proper regulation of the City and its residents; and

WHEREAS, the specific purpose and intent of this ordinance is to provide for the safe and orderly placement and removal of hurricane protection devices, to prevent death or serious bodily harm, which can result from a fire in an occupied property where all means of egress are obstructed, and light and ventilation are impeded by closed hurricane shutters, and to preserve and promote a community where all properties are maintained in a fashion that emphasizes an aesthetically pleasing City, that encourages community pride, commercial growth, preserves neighborhood integrity, ensures a comfortable, safe and clean environment, and protects the public's health and wellbeing.

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

Section 1: Chapter 50 entitled "Housing", Article II. Minimum Housing Code, of the Code of Ordinances of the City of Hialeah, and in particular, adding a new Section 50-30 entitled "Storm Shutters", is hereby amended to read as follows:

Chapter 50

MINIMUM HOUSING CODE

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ARTICLE II. - MINIMUM HOUSING CODE

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Sec. 50-30. – Storm Shutters Regulations.

(a) **Permissible use of storm shutters.** Storm shutters, or other approved hurricane protection devices, such as panels, accordions, or awnings shall be designed, installed and utilized in accordance with the requirements of the Florida Building Code and Florida Fire Prevention Code. The temporary use of storm shutters and other approved protection devices shall be permitted on windows and doors only as follows:

- (1) During a declared state of emergency, which shall include without limitation, a hurricane, severe weather event, or other natural or manmade disaster in the City, as declared by the City, the State of Florida, or the federal government. Such storm shutters, awnings, panels or other approved protection devices shall be removed no later than (30) days after the declared emergency has ended or elapsed, unless a subsequent emergency is forecasted to occur within seventy-two (72) hours after the thirtieth day, at which point the thirtieth-day period begins anew, until all emergency declarations have been lifted.
- (2) To protect an inoperative, malfunctioning, or broken window or door for a period of time not exceeding thirty (30) days.
- (3) To secure or protect a commercial property after business hours.

- (4) To temporarily secure a vacant dwelling or commercial property during the period of vacancy.
- (b) While not in use, pre-installed shutters, awnings or other protective devices shall remain opened and unlocked, and all panels shall be uninstalled and removed from all windows and doors.
- (c) **Penalties.** Any person, firm, corporation or entity who violates any provision of this section, may be subject to a civil penalty in the amount of \$150 for the first offense and \$300 for each subsequent violation issued in compliance with the procedures set forth in chapter 22 of the Code.

Secs. 50-3031—50-55. - Reserved.

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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 convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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: Inclusion in Code. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment

thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: 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 6: 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 13 day of August, 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-Muñoz
Council President

Attest:

Approved on this 21 day of August, 2019.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 4-0-3 vote with Councilmembers, Casals-Muñoz, Garcia-Martinez, Caragol, and Zogby voting "Yes" and with Councilmembers Cue-Fuente, Hernandez and Lozano absent.

Strikethrough indicates deletion. Underline indicates addition.