

**ORDINANCE NO. 2020-045**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, **CHAPTER 58** ENTITLED "OFFENSES", ARTICLE VI. "MISCELLANEOUS", AND IN PARTICULAR, ADDING CODE **SECTION 58-70**, MAKING VIOLATIONS OF ALL STATE, COUNTY AND LOCAL EMERGENCY RULES AND ORDERS, PROMULGATED PURSUANT TO CHAPTER 252, FLORIDA STATUTES, ENFORCEABLE THROUGH CIVIL VIOLATIONS PURSUANT TO CHAPTER 22 OF THE HIALEAH CODE; AMENDING **CHAPTER 22** ENTITLED "CODE ENFORCEMENT", ARTICLE I. "IN GENERAL", AND IN PARTICULAR, AMENDING **SECTION 22-2**, "DEFINITIONS", REVISING THE DEFINITION OF CODE TO INCLUDE ANY EMERGENCY RULES, REGULATIONS, ORDINANCES OR ORDERS ADOPTED AND PROMULGATED BY THE CITY, COUNTY OR STATE; AMENDING ARTICLE III. "ENFORCEMENT PROCEDURES", DIVISION 3. "CIVIL VIOLATION ENFORCEMENT PROCEDURES", AND IN PARTICULAR, AMENDING SECTION 22-190, ENTITLED "SCHEDULE OF CIVIL PENALTIES", PROVIDING FOR A CIVIL PENALTY IN THE AMOUNT OF \$100.00 FOR VIOLATIONS OF EMERGENCY RULES, REGULATIONS, ORDINANCES OR ORDERS; AMENDING **CHAPTER 86** ENTITLED "TAXATION AND FEES", ARTICLE II. LOCAL BUSINESS TAX, IN PARTICULAR, AMENDING **SECTION 86-53**, ENTITLED "DENIAL OF BUSINESS TAX RECEIPT", ADDING SUBSECTION (a) (16) TO PROVIDE THAT AN APPLICATION FOR A BUSINESS TAX RECEIPT MAY BE DENIED IF THE APPLICANT HAS VIOLATED STATE, COUNTY AND/OR LOCAL EMERGENCY ORDERS OR RULES PROMULGATED PURSUANT TO CHAPTER 252, FLORIDA STATUTES; AMENDING **SECTION 86-54**, ENTITLED "SUSPENSION AND REVOCATION OF BUSINESS TAX RECEIPT", ADDING SUBSECTION (a) (17) TO PROVIDE THAT THE CITY COUNCIL SHALL EITHER REVOKE OR TEMPORARILY SUSPEND A BUSINESS TAX RECEIPT IF THE BUSINESS TAX RECEIPT HOLDER HAS VIOLATED OR ALLOWS THE VIOLATION OF STATE, COUNTY AND/OR LOCAL EMERGENCY ORDERS OR RULES PROMULGATED PURSUANT TO CHAPTER 252, FLORIDA STATUTES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, after the declaration of an emergency or a disaster resulting from natural, or manmade causes, enforcement of State, County and Local emergency orders promulgated in response to the emergency or disaster is crucial in order to provide rapid and orderly relief, and efficient response and recovery; and

**WHEREAS**, Chapter 22 of the City of Hialeah Code of Ordinances provides a uniform, equitable, expeditious, efficient and effective method for enforcement process; and

**WHEREAS**, non-compliance with State, County and Local emergency orders can have a detrimental effect in this community; and

**WHEREAS**, the City finds it is in the best interest of the public to adopt this alternate enforcement process to enforce emergency orders.

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

**Section 1:** Chapter 58, entitled “Offenses”, Article VI. “Miscellaneous” of the Code of Ordinances of the City of Hialeah, is hereby amended to read as follows:

Chapter 58

**OFFENSES**

\* \* \*

**ARTICLE VI. – MISCELLANEOUS.**

\* \* \*

**Sec. 58-70. – Violation of state, county and local orders or rules promulgated pursuant to the authority provided by Chapter 252 of the Florida Statutes.**

Violations of any state, county and/or local rule or order promulgated pursuant to the authority provided by sections 252.31 through and including 252.90 of the Florida Statutes, may be enforceable through civil violation notices pursuant to Chapter 22 of Hialeah Code of Ordinances, and shall be subject to a civil penalty as set forth in section 22-190 of the Code.

**Section 2:** Chapter 22 entitled “Code Enforcement”, of the Code of Ordinances of the City of Hialeah, is hereby amended to read as follows:

Chapter 22

**CODE ENFORCEMENT**

\* \* \*

**ARTICLE I. – IN GENERAL.**

\* \* \*

**Sec. 22-2. - Definitions.**

*Code* means any of the several chapters of the City of Hialeah Code of Ordinances, any other code, statute, rule, regulation, ordinance or order adopted and/or promulgated by the City of Hialeah, Miami-Dade County and/or the State of Florida, which the City is authorized to enforce within its jurisdiction. ~~or any other code, ordinance or rule duly adopted by the city council, which codes may be cited either by the section number from the City of Hialeah Code of Ordinances, or by the section numbers in the Miami Dade County Code, building code, fire codes or other technical codes that city is authorized to enforce within its jurisdiction.~~

\* \* \*

**ARTICLE III. – ENFORCEMENT PROCEDURES.**

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**DIVISION 3. CIVIL VIOLATION ENFORCEMENT PROCEDURES**

\* \* \*

**Sec. 22-190. - Schedule of civil penalties.**

Code Section	Description of violations	Civil Penalty
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\* \* \*

City of Hialeah Code of Ordinances, chapter 58, article V.	Noise control.	\$250.00
<u>City of Hialeah Code of Ordinances, chapter 58, section 58-90.</u>	<u>Violation of state, county and local orders or rules promulgated pursuant to the authority provided by Chapter 252, Florida Statutes.</u>	<u>\$100.00</u>
City of Hialeah Code of Ordinances, chapter 74.	Signs regulations.	\$100.00

**Section 3:** Chapter 86 entitled “Taxation and Fees” of the Code of Ordinances of the City of Hialeah, is hereby amended to read as follows:

**ARTICLE II. LOCAL BUSINESS TAX**

\* \* \*

**Sec. 86-53. - Denial of business tax receipt.**

- (a) An application for business tax receipt under this article may be denied on the following grounds:

\* \* \*

(16) The applicant has violated state, county and/or local emergency orders or rules promulgated pursuant to the authority provided by sections 252.31 through and including 252.90, Florida Statutes, as such may be amended from time to time, or any other state, county or local code, statute, rule, regulation, ordinance or order, which the City is authorized to enforce within its jurisdiction.

**Sec. 86-54. - Suspension and revocation of business tax receipt.**

- (a) The city council shall either revoke or temporarily suspend the business tax receipt of any person when it is determined by the city that:

\* \* \*

(17) The business tax receipt holder has violated or allows the violation of state, county and/or local orders or rules promulgated pursuant to the authority provided by sections 252.31 through and including 252.90, Florida Statutes, as such may be amended from time to time, or any other state, county or local code, statute, rule, regulation, ordinance or order, which the City is authorized to enforce within its jurisdiction.

\* \* \*

**Section 4: Repeal of Ordinances in Conflict.**

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

**Section 5: 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 6: 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.

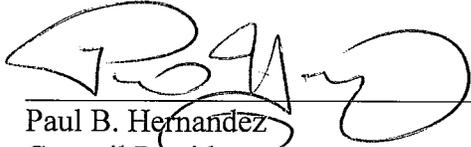
**Section 7: Severability Clause.**

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 8: Effective Date.**

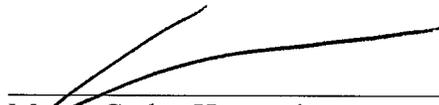
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

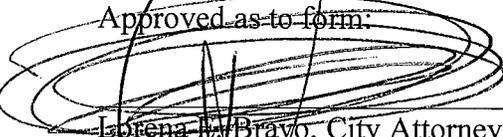
PASSED AND ADOPTED this 22 day of September, 2020.

  
Paul B. Hernandez  
Council President

Attest: Approved on this 6 day of October, 2020.

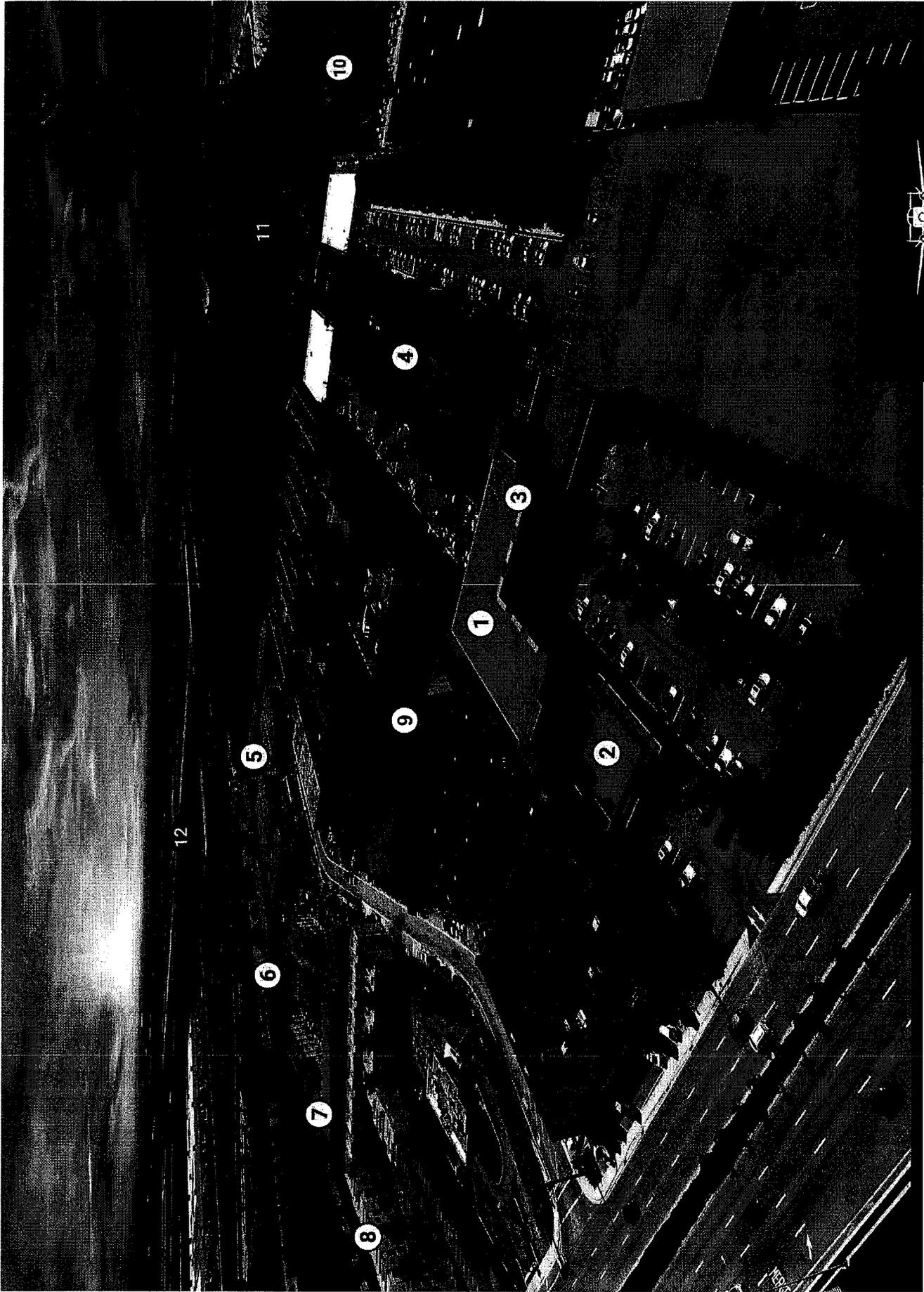
  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

~~Approved as to form:~~  
  
Lorena B. Bravo, City Attorney

Ordinance was adopted by 5-0-2 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Tundidor, and Zogby, voting "Yes" and with Council President Hernandez and Council Member Perez not present during roll call.

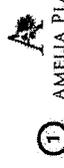
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# AMELIA DISTRICT

Another development by

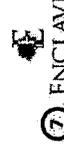


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1 AMELIA PLAZA
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11 AMELIA EARHART PARK
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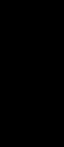
12 AIRPORTS
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5 LAS VISTAS
- 

7 ENCLAVE
- 

9 PRESTIGE CONSTRUCTION
- 

8 AMELIA OAKS
- 

8 POE'S
- 

6 PARC VISTA
- 

3 AMELIA