

ORDINANCE NO. 2018-011

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE I. ENTITLED "IN GENERAL", SECTION 98-1 DEFINITIONS, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, BY ADDING DEFINITIONS FOR DENTAL CLINIC AND MEDICAL CLINIC; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 10, 2018 recommended approval of this ordinance.

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

Section 1: Chapter 98, entitled "Zoning", Article I, entitled "Definitions", Division 5 entitled "Uses", is hereby amended by adding in § 98-1 entitled "Definitions", definitions for Dental Clinic and Medical Clinic, to the code of ordinances, as follows:

Chapter 98

ZONING

* * *

ARTICLE I. IN GENERAL

* * *

SEC 98-1. - DEFINITIONS

* * *

Sec. 98-1. – Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Dental clinic means an establishment where out-patient dental care services are provided, to patients who are not regular and consistent patients, and accepts walk-ins in its ordinary course of practice.

* * *

Medical clinic means an establishment where out-patient medical procedures or tests are provided without an overnight stay, to patients who are not regular and consistent patients, and accepts walk-ins in its ordinary course of practice.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. Any permit issued for uses previously prohibited by this ordinance are hereby validated retroactively as of March 31, 2014.

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. This ordinance shall be applied retroactively as of March 31, 2014. Any permit issued prior to the Effective Date of this ordinance for uses previously prohibited are hereby validated retroactively as of March 31, 2014.

PASSED and ADOPTED this 13 day of February, 2018.

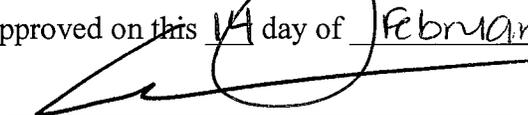
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 168.041 PRIOR TO FINAL READING.


Vivian Casals-Munoz
Council President

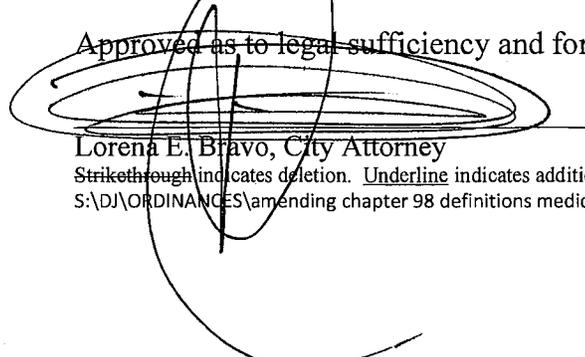
Attest:


Marbelys Fatjo, City Clerk

Approved on this 14 day of February, 2018.


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 7-0 vote with Councilmembers, Caragol, Zogby, Casals-Munoz, Cue-Fuente, Garcia-Martinez, Lozano and Hernandez voting "Yes"