

ORDINANCE NO. 2018-043

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION" OF THE CODE OF ORDINANCES, ARTICLE V. ENTITLED "FINANCE", DIVISION 2. ENTITLED "FEES AND CHARGES", AND IN PARTICULAR REPEALING SECTION 2-873 "PROPERTY LIEN SERVICES" IN ITS ENTIRETY AND ADOPTING A NEW SECTION 2-873 "PROPERTY RESEARCH SERVICES" TO PROVIDE FOR A SCHEDULE OF FEES FOR SERVICES INVOLVING THE RESEARCH OF CODE ENFORCEMENT VIOLATIONS, LIENS AND PREPARATION OF PAY-OFF OR ESTOPPEL LETTERS AND PARTIAL RELEASES; REPEALING PARAGRAPH (d) OF SECTION 2-871 AS DUPLICITOUS AND RENUMBERING ALL REMAINING PARAGRAPHS TO CONFORM; 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, the City determines that comprehensive property research services of its records concerning enforcement actions, open or expired building permits and unpaid debts owed to the city is of great value to the public; and

WHEREAS, consistent with its constitutional powers, the City is authorized to charge reasonable service fees; and

WHEREAS, this Ordinance is not intended to impinge upon the constitutional rights of the public to access public records; and

WHEREAS, this Ordinance protects the public welfare by promoting open and ordered governance.

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

Section 1: Chapter 2 entitled "Administration", of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 2

ADMINISTRATION

* * *

ARTICLE V. FINANCE

* * *

DIVISION 2. FEES AND CHARGES

Sec. 2-871. Duplication and certification of public documents.

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(d) ~~Property lien services.~~ The city, through its code compliance division, water and sewers division and departments of the city clerk and grants and human services each, shall charge \$30.00 as a fee for property lien searches, for each property address.

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Sec. 2-873. ~~Property lien services~~ Property research services.

~~The city shall charge \$10.00 as a fee for property lien searches, for each property address.~~

(a) The city, through the Office of the City Clerk, shall offer research services of real property within the limits of the city that is limited to violations of the several regulatory codes enforced by the city, including unsafe structures and open or expired building permits, unpaid water, sewer or solid waste services and liens recorded as a result of the city's enforcement actions, The city shall charge the following fees for each property address:

Service	Fee
Violations and lien research	\$225.00
For research of each additional tax identification number or folio number assigned to the same property address	\$ 50.00
Pay-off or estoppel letter for all liens per property address	\$ 75.00
Partial Release for each lien released	\$500.00

(b) Pay-off or estoppel letters and partial releases shall only be issued upon research and payment of all applicable service fees as provided in paragraph (a). Partial releases shall only be issued for properties on which there are no violations or past due amounts owed the city. If upon research a property is ineligible for a partial release, only the \$500.00 fee shall be refunded to the payer.

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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 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: 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.

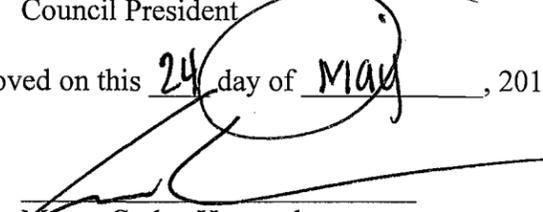
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 22 day of May, 2018.

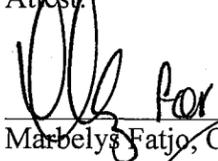
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

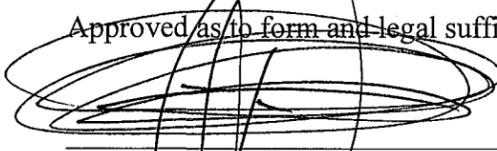
Approved on this 24 day of May, 2018.


Mayor Carlos Hernandez

Attest:


Marbelys Fatjo, City Clerk

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


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-1-1 vote with Councilmembers,
Caragol, Zogby, Lozano, Hernandez and Cue-Fuente voting "Yes"
Casals-Munoz voting "No" and Garcia-Martinez absent.

~~Strike through~~ indicates deletion. Underline indicates addition.