

ORDINANCE NO. 2017- 007

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 18 ENTITLED "BUSINESSES", ARTICLE VIII. SECONDHAND GOODS DEALERS, DIVISION 2. ENTITLED "LICENSE", OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, BY ADDING A NEW SECTION 18-466 ENTITLED "LIMITATION ON NUMBER OF LICENSES"; PROVIDING FOR A DRAWING FOR NEW LICENSES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the regulatory structure for secondhand dealers and pawnbrokers under state law and in Chapter 18 of the City's Code of Ordinances impacts the workload of police details; and

WHEREAS, tying the increase in secondhand dealers and pawnshops to population would better serve the City community-wide by ensuring that the workload of police details is not overburdened and better serve the public safety, welfare and the character of neighborhoods, property values, and other businesses by preventing the unchecked proliferation of secondhand dealers and pawnshops.

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

Section 1: Chapter 18 entitled "Businesses" of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 18

Businesses

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ARTICLE VIII. SECONDHAND GOODS DEALERS

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DIVISION 2. LICENSE

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Sec. 18-466. Limitation on Number of Licenses.

(a) The number of licenses issued for secondhand goods dealers, as that term is defined in Section 18-431, for operation in the city shall be limited to a number of establishments based on a ratio of one secondhand goods dealer for every four thousand five hundred (1:4,500) inhabitants of the city. For this purpose, the population of the city shall be that determined in the last preceding United States Census for the city. This limitation shall not apply to retail jewelry stores engaging in limited secondhand transactions pursuant to section 98-1111(21).

(b) When additional secondhand goods dealers licenses become available due to the growth in population or as a result of attrition in existing licenses, the local business tax administrator shall publish a notice of the time, date and place at which the local business tax administrator shall conduct a drawing for said licenses. The notice shall be published at least 10 days in advance of the drawing. All interested applicants shall register for the drawing in a form and pursuant to the procedures adopted by the city. The business tax administrator shall create a list of interested applicants in the order in which their names are drawn to establish the priority in which the interested applicant's application shall be processed for approval and awarded a license. The business tax administrator shall not accept applications from interested applicants, as ranked, in excess of the available number of licenses available to be issued.

(c) The winner(s) of the drawing shall complete a business tax application form and return the completed form with all information required to the business tax division within sixty (60) days of selection. The applicant must comply with all applicable code requirements to operate as secondhand goods dealer at the proposed location, including but not limited to, all applicable requirements under this article, chapter 86, and all other zoning, building and fire code requirements. If the application is denied, the business tax administrator can accept an application from the next interested applicant in the order of their ranking from

the list created as a result of the drawing once all administrative appeals have been exhausted by the rejected applicant. If the list of interested applicants is exhausted, the business tax administrator must conduct another drawing in order to establish an eligibility list.

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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

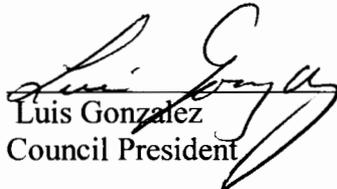
invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

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.

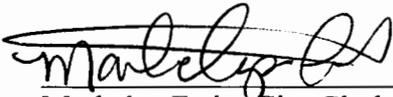
PASSED and ADOPTED this 28 day of February, 2017.

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


Luis Gonzalez
Council President

Attest:

Approved on this 8 day of March, 2017.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Cue-Fuente, Garcia-Martinez and Casáls-Muñoz voting "Yes". Councilmember Lozano absent.