

**ORDINANCE NO. 2017-008**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 18 ENTITLED "BUSINESSES", ARTICLE VII. PRECIOUS METALS DEALERS, DIVISION 2. ENTITLED "LICENSE", OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, BY ADDING A NEW SECTION 18-406 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 precious metals dealers, secondhand goods 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 precious metals dealers, 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**

\* \* \*

**ARTICLE VII. PRECIOUS METALS DEALERS**

\* \* \*

**DIVISION 2. LICENSE**

\* \* \*

**Sec. 18-406. Limitation on Number of Licenses.**

The number of licenses issued for precious metals dealers, as that term is defined in Section 18-371, for operation in the city shall be determined based on the city's population. The total number of licenses issued for precious metals dealers shall be included in the number of secondhand goods dealers as that number is calculated pursuant to section 18-466(a). When additional licenses become available pursuant to section 18-466(b), the business tax administrator shall also accept entries from applicants interested in operating as precious metals dealers for inclusion in the drawing to be conducted pursuant to section 18-466(b) and if successful, inclusion in the eligibility list created as a result of the drawing for award of available licenses pursuant to section 18-466. Nothing in this section shall be construed to create a separate quota of licenses available exclusively for precious metals dealers based on the ratio established.

\* \* \*

**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.

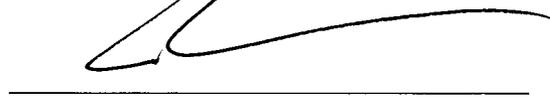
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

  
Luis Gonzalez  
Council President

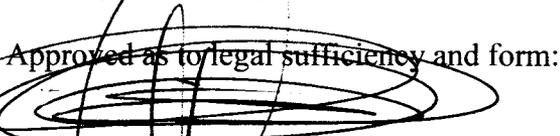
Attest:

Approved on this 8<sup>th</sup> day of March, 2017.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

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

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