

ORDINANCE NO. 2017-064

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 78 ENTITLED "SOLID WASTE", AND IN PARTICULAR ARTICLE V, ENTITLED "FEES AND BILLING PROCEDURES", OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, BY AMENDING CODE §78-127 ENTITLED "AMOUNT OF CHARGES" TO INCREASE THE HOUSEHOLD SOLID WASTE COLLECTION FEE; AND BY CREATING A NEW SECTION § 78-129 ENTITLED "ANNUAL CONSUMER PRICE INDEX ADJUSTMENT OF WASTE SERVICE CHARGES" TO PROVIDE AN ANNUAL CONSUMER PRICE INDEX ADJUSTMENT FOR WASTE AND RECYCLABLES COLLECTION SERVICES; 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 purpose and intent of this ordinance is to improve the long term viability, efficiency and level of waste collection service in the city by adjusting the household collection fee and by providing an annual Consumer Price Index adjustment for waste collection charges; and

WHEREAS, the increased fee shall become effective starting January 1, 2018 and any future CPI adjustment shall be adopted by ordinance;

WHEREAS, the City finds that this ordinance is in the best interest of the health, safety and welfare of the City to provide and maintain a financially sound solid waste and recyclables collection program.

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

Section 1: Chapter 78 entitled "Solid Waste", Article V. Fees and Billing Procedures, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended by revising Hialeah Code §78-127 entitled "Amount of Charges." and by creating a new

section §78-129 entitled “Annual Consumer Price Index adjustment of waste service charges” to read as follows:

Chapter 78

SOLID WASTE

* * *

ARTICLE V. FEES AND BILLING PROCEDURES

* * *

Sec. 78-127. Amount of charges.

(a) Payment of fees for waste service shall be made on a basis of such service as provided in a schedule of fees set up by the city council. The schedule for fees of solid waste service will be as follows:

(1) Household solid waste collections: ~~\$54.00~~ \$55.98 for each household if billed ~~bimonthly~~ every other month, or ~~\$27.00~~ \$27.99 for each household if billed monthly.

* * *

Sec. 78-129. Annual Consumer Price Index adjustment of waste service charges.

Beginning October 1, 2018 and each October 1 thereafter, the latest charges for waste collection services as set forth in section 78-127 shall be adjusted by the amount of the annual increase in the index numbers of retail commodity prices designated “Consumer Price Index For All Urban Consumers—United States City Average—All Items (the “Consumer Price Index” or “CPI”) as issued by the Bureau of Labor Statistics, United States Department of Labor. The annual CPI increase provided in this section shall be effective until the city adopts such increase in charges by ordinance of the city council.

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.

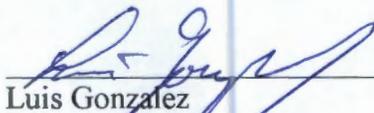
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective on the later of (i) the date the ordinance is passed by the City Council and signed by the Mayor; (ii) 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; or January 1, 2018.

PASSED AND ADOPTED this 10 day of October, 2017.

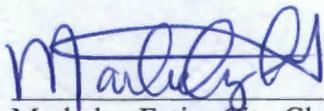
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



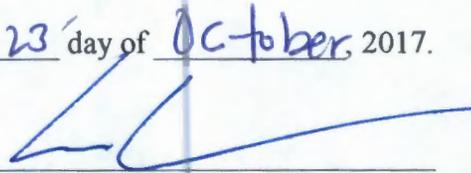
Luis Gonzalez
Council President

Attest:

Approved on this 23 day of October, 2017.



Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Carago, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".

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