

ORDINANCE NO. 2016-58

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 78 ENTITLED "SOLID WASTE", ARTICLE III. COLLECTION AND DISPOSAL, BY REVISING HIALEAH CODE § 78-75 ENTITLED "REMOVAL OF WASTE BY PRIVATE AGENCIES" AND IN PARTICULAR, PROVIDING FOR AN INCREASE IN THE ANNUAL FRANCHISE FEE FROM 21 PERCENT OF COLLECTED GROSS RECEIPTS TO 25 PERCENT OF COLLECTED GROSS RECEIPTS, EFFECTIVE OCTOBER 1, 2016 AND SUBSEQUENT YEARS THEREAFTER; 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 is authorized by law to adopt all necessary fees and charges consistent with state law; and

WHEREAS, the City has the exclusive authority over the collection, removal or transportation of any solid waste material within the city; and

WHEREAS, the increased franchise fee paid by private agencies authorized to collect solid waste within the City is reasonable and within the range of fees charged by other municipalities and Miami-Dade County for the same privilege;

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 III. Collection and Disposal, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended by revising Hialeah Code § 78-75 entitled "Removal of waste by private agencies" to read as follows:

Chapter 78

SOLID WASTE

ARTICLE III. COLLECTION AND DISPOSAL

* * *

Sec. 78-75. Removal of waste by private agencies.

* * *

(b) Effective July 1, 2008, all private waste haulers operating within city limits shall be required to pay a franchise fee of \$1,500.00 for each year plus 8 percent of the nonexclusive franchisee's quarterly gross receipts collected ~~of~~ from accounts serviced within the city. The percentage of gross receipts fee component shall increase to ~~12 percent of quarterly gross receipts collected effective July 1, 2009, increase to 15 percent of quarterly gross receipts collected effective July 1, 2010, increase to 18 percent of quarterly gross receipts collected effective July 1, 2011, increase to 21~~ 25 percent of quarterly gross receipts ~~collective~~ collected effective ~~January 1, 2012~~ October 1, 2016 and continue at ~~21~~ 25 percent of quarterly gross receipts collected each year thereafter. The franchisee shall, on or before 30 days following the end of each quarter, deliver to the city a true and correct statement of gross receipts collected during the previous quarter along with payment. Notwithstanding the accounting year used by the franchisee, the quarters end on March 31, June 30, September 30, and December 31 of each year. This franchise fee is not applicable to open top roll offs, which fees are set forth in article ~~VII~~ VII herein. A late fee of one and one-half percent for the first month shall be imposed if payment is not received by the tenth day of the next month that follows the month that the quarterly payment is due. For each month of nonpayment thereafter, the one and one-half percent late fee shall be imposed.

* * *

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 described 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.

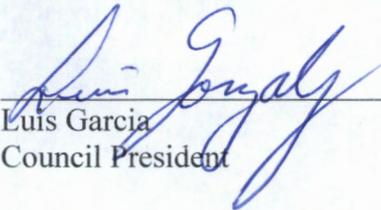
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

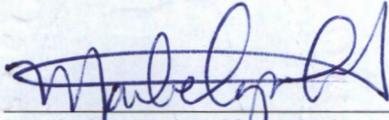
PASSED and ADOPTED this 27 day of September, 2016.

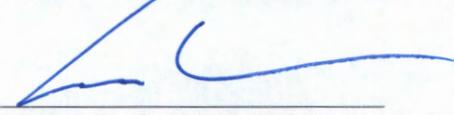
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.


Luis Garcia
Council President

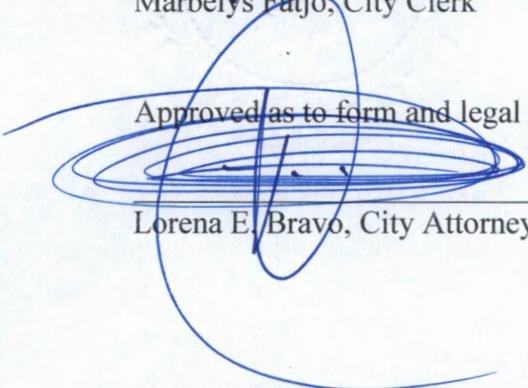
Attest:

Approved on this 4 day of October, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency


Lorena E. Bravo, City Attorney

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

Strikethrough indicates deletion. Underline indicates addition.