

ORDINANCE NO. 2016-59

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 78 ENTITLED "SOLID WASTE" ARTICLE V. FEES AND BILLING PROCEDURES OF THE CODE OF ORDINANCES BY REVISING HIALEAH CODE § 78-127 ENTITLED "AMOUNT OF CHARGES" TO PROVIDE A NEW SUBSECTION ENTITLED "ANNUAL CONSUMER PRICE INDEX ADJUSTMENT FOR SOLID WASTE AND RECYCLING SERVICES" TO PROVIDE AN ANNUAL CONSUMER PRICE INDEX ADJUSTMENT TO THE FEES FOR SUCH SERVICES WITH ANY INCREASE TO BE CONFIRMED BY RESOLUTION IN COMPLIANCE WITH STATE LAW NOTICE REQUIREMENTS; 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 provide an annual adjustment for solid waste and recyclables collection rates commensurate with the percentage change in the Consumer Price Index;

WHEREAS, it is the City's intent that the rates for solid waste collection services reflect any market changes in consumer goods and services to ensure the long-term financial viability of the utility;

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 quality and efficiency in the City's wastes and recyclables collection program at a reasonable cost to both the consumer and provider of such services.

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" 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 for each household if billed bimonthly, or \$27.00 for each household if billed monthly.

* * *

(b) Annual consumer price index adjustment of solid waste and recyclables collection services. That each October 1 from and after October 1, 2016, the latest solid waste and recyclables collection fees shall be adjusted by the amount of percentage increase in the Consumer Price Index For All Urban Consumers—United States City Average—All Items, not seasonally adjusted, (the “Consumer Price Index” or “CPI”) as published by the Bureau of Labor Statistics, United States Department of Labor or successor agency. The annual CPI increase provided in this subsection shall not be applicable or effective unless and until the city complies with the notification procedures of section 180.136, Florida Statutes, as applicable, and confirms such increase in rates and charges by resolution 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.

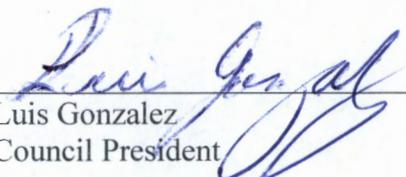
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 6: Effective Date.

This ordinance shall become effective 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.

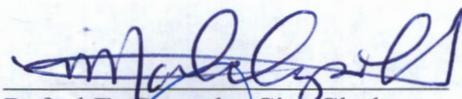
PASSED AND ADOPTED this 27 day of September, 2016.

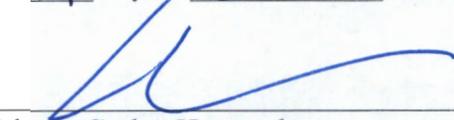
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Luis Gonzalez
Council President

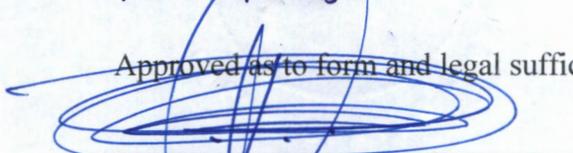
Attest:

Approved on this 4 day of October, 2016.


Rafael E. Granado, City Clerk
Marbelys Fatjo


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

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

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