

**ORDINANCE NO. 2015-18**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 1. GENERALLY, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, REVISING HIALEAH CODE § 98-415 ENTITLED "CERTIFICATE OF REOCCUPANCY", INCREASING THE INSPECTION, RE-INSPECTION AND EXTENSION FEES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of February 25, 2015 recommended approval of this ordinance; and

**WHEREAS**, the general purpose and intent of this ordinance is to assess fees to properly administer the City's zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government.

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

**Section 1:** Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 1.

Generally, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended to read, by revising Hialeah Code § 98-415 entitled "Certificate of re-occupancy", as follows:

Chapter 98

**ZONING**

\*

\*

\*

**ARTICLE V. ZONING DISTRICT REGULATIONS**

DIVISION 1. GENERALLY

\* \* \*

**Sec. 98-415. Certificate of re-occupancy.**

\* \* \*

(c) A seller, property owner or designated agent shall request a certificate of re-occupancy by submitting a completed application together with payment of an inspection fee. Upon payment of a ~~\$50.00~~ \$100.00 inspection fee, a city inspector shall inspect the dwelling within 30 days and, if such dwelling is found to be in compliance with the residential occupancy regulations of the applicable zoning district, the city will issue a certificate of re-occupancy. Upon payment of a ~~\$100.00~~ \$300.00 inspection fee, a city inspector shall inspect the dwelling on an expedited basis within ten days and, if such dwelling is found to be in compliance with the residential occupancy regulations of the applicable zoning district, the city will issue a certificate of re-occupancy. A ~~\$25.00~~ \$75.00 fee shall be paid for each re-inspection performed by the city. The re-occupancy certificate shall be effective for six months and may be extended only one time for an additional six months upon payment of a ~~\$10.00~~ \$100.00 fee. Upon a real estate closing or title transfer the certificate of re-occupancy shall be recorded in the Miami-Dade County public records with the deed or other conveyance of title.

\* \* \*

(e) Under circumstances where remedial action may reasonably extend beyond the date of the sale, conveyance or transfer to complete, the city shall issue conditional certificates of re-occupancy with a compliance date set forth in the certificate. If the proposed remedial action includes correction of violations that immediately threaten the life or safety of the residents as listed in the certificate, the city shall identify such violations on the conditional certificate of occupancy. Upon compliance, the city shall issue a re-occupancy certificate. If a property is sold, conveyed or transferred in a subsequent transaction and the remedial action required in the conditional certificate of re-occupancy issued pursuant to this paragraph has not been completed within the compliance date and no re-occupancy certificate has been issued prior to the subsequent sale, conveyance or transfer, the inspection fee shall be \$300.00. A city inspector

shall inspect the dwelling within 30 days. A city inspector shall inspect the dwelling on an expedited basis within ten days upon payment of an additional \$ 100.00 fee.

\* \* \*

**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.

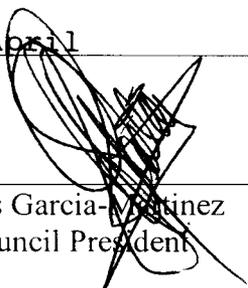
**Section 5: Severability Clause.**

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.**

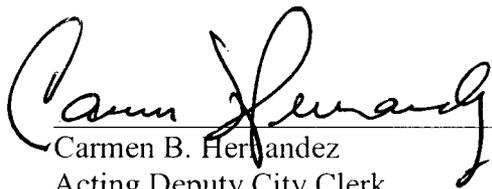
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 28 day of ~~April~~, 2015.

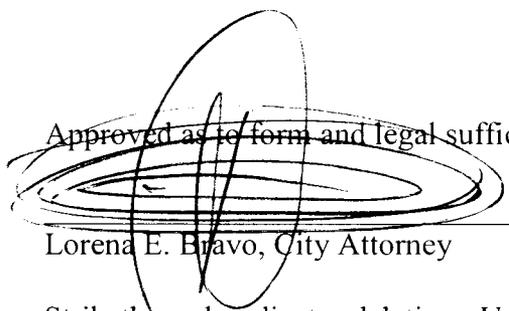
  
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President

Attest:

Approved on this 06 day of may, 2015.

  
\_\_\_\_\_  
Carmen B. Hernandez  
Acting Deputy City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

~~Approved as to form and legal sufficiency:~~  
  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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

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

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