

ORDINANCE NO. 2014-15

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 74 ENTITLED "SIGNS" OF THE CODE OF ORDINANCES AND IN PARTICULAR, AMENDING ARTICLE I., SECTION 74-2 "REMOVAL OF IMPROPER SIGNS" TO ESTABLISH A REMOVAL FEE FOR SIGNS ON PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY; 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 Planning and Zoning Board recommended approval of this ordinance at its regularly scheduled meeting on February 12, 2014;

WHEREAS, the purpose and intent of this ordinance is to reduce traffic hazards caused by signs improperly placed on the city's rights-of-way;

WHEREAS, private signs in the public rights-of-way may distract, confuse, or impair the visibility of motorists and pedestrians and impair their ability to use the public rights-of-way safely;

WHEREAS, these regulations advance the City's interest in providing for the orderly administration of and preservation of the public's investment in its streets and public ways; and

WHEREAS, the prohibition against placing private signs on the public rights-of-way promotes and protects the public's health, safety and general welfare.

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

Section 1: Chapter 74 entitled "Signs", of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 74

SIGNS

* * *

ARTICLE I. IN GENERAL

* * *

Sec. 74-2. – Removal of improper signs.

- (a) Removal of signs on private property. The ~~director~~ city shall cause the removal of any sign in violation of this chapter placed on private property in accordance with the procedures set forth in chapter 22 governing code enforcement.
- (b) Removal of signs on public property or public rights-of-way. All prohibited signs or sign devices placed on public property or public rights-of-way shall be removed immediately and without notice. This prohibition does not include signs on bus shelters or bus benches. A \$25.00 removal fee for each sign removed shall be assessed against the person or entity placing the sign or causing the sign to be placed on the public property or right-of-way. For the purpose of recovering the costs of removal, there is a rebuttable presumption that the person or entity identified on the sign face or identified by other information advertised or published on the sign face, such as telephone numbers, business location, webpage or site, shall be the person or entity responsible for the placement of the sign on the public right-of-way.

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 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.

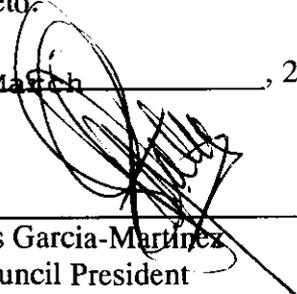
Section 5: Severability Clause.

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.

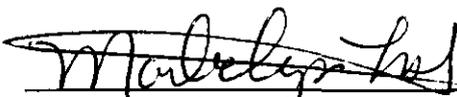
PASSED AND ADOPTED this 11 day of March, 2014.



Isis Garcia-Martinez
Council President

Attest:

Approved on this 13 day of March, 2014.



Marbelys Fatjo, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, 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, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".