

**ORDINANCE NO. 2018-094**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REAFFIRMING THE CURRENT RATE OF 7.5% OF ALL SALES OF WASTEWATER SERVICE AND REDUCING THE CURRENT RATE OF ALL SALES OF WATER SERVICE FROM 10% TO 7.5%, WITHIN THE CITY AS PAYMENT IN LIEU OF FRANCHISE FEE PURSUANT TO HIALEAH, FLA. CODE §94-163 FOR FISCAL YEAR 2019, BEGINNING ON OCTOBER 1, 2018; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTY FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 94-163 of the Code of Ordinances of the City of Hialeah, Florida, provides for the payment in lieu of franchise fee by the Utility for the use and occupation of the City's rights-of-way and public lands within the City; and

**WHEREAS**, the payment is based on a percentage of all sales of water and wastewater services in the City in an amount equal to no less than 7.5% and no greater than 10% of the bi-monthly rates, fees and charges; and

**WHEREAS**, the rate must be set and adopted each year concurrently with the adoption of the budget; and

**WHEREAS**, the Council must reaffirm the rate by resolution where no adjustment to the current rate is proposed or adopt an ordinance where an upward or downward adjustment is proposed; and

**WHEREAS**, the current rate is 10% for all sales of water and 7.5% for all sales of wastewater service and a reduction to the rate for sales of water service to 7.5% is proposed and no adjustment to the rate for sales of wastewater service is proposed;

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

**Section 1:** The foregoing recitations in the preamble to this Ordinance are hereby incorporated and adopted by reference as if fully set forth herein.

**Section 2:** The City of Hialeah, Florida hereby reaffirms and approves the current rate of 7.5% for all sales of wastewater provided within the City as payment in lieu of franchise fee pursuant to Hialeah, Fla. Code §94-163 for Fiscal Year 2019, beginning on October 1, 2018.

**Section 3:** The City of Hialeah, Florida hereby confirms, approves and adopts a rate of 7.5% for all sales of water service provided within the City as payment in lieu of franchise fee pursuant to Hialeah, Fla. Code §94-163 for Fiscal Year 2019, beginning on October 1, 2018.

**Section 4: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 6: 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 7: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the 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 24 day of September, 2018.

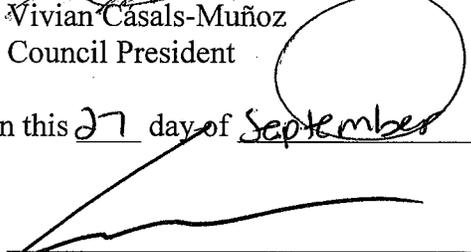
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Vivian Casals-Muñoz  
Council President

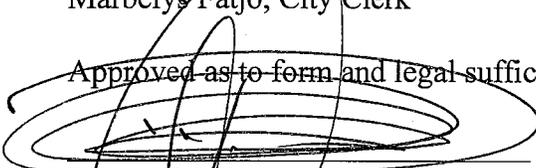
Attest:

Approved on this 27 day of September, 2018.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

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Ordinance was adopted by a 7-0 vote with Councilmembers, Zogby, Lozano, Casáls-Munoz, Hernandez, Caragol, Garcia-Martinez and Cue-Fuente voting "Yes"