**ORDINANCE NO.** 2013-30

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA SETTING THE ELECTION DATE FOR THE GENERAL ELECTION FOR THE YEAR 2013 FOR THE DATE OF TUESDAY, NOVEMBER 19, 2013 FOR THE OFFICES OF THE MAYOR AND THE CITY COUNCIL WHOSE TERMS HAVE EXPIRED, PURSUANT TO MUNICIPAL POWERS VESTED BY STATE LAW ACCORDING TO FLORIDA STATUTES §§ 166.021(4) AND 100.3605(2) IN ORDER TO CONDUCT ELECTIONS ON THE SAME DATE AS OTHER MUNICIPALITIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** pursuant to a request by Miami-Dade County to extend the date of municipal general or run-off elections so that the County can print and mail absentee ballots and provide early voting, the Cities of Miami Beach and Miami are anticipated to extend their respective general or run-off elections to November 19, 2013; and

**WHEREAS,** pursuant to section 166.021(4), Florida Statutes, the Florida Legislature amended municipal government powers to allow the selection of election dates and qualifying periods of candidates and changes in the terms of office necessitated by such changes without referendum; and

**WHEREAS,** similarly, the Florida Election Code, section 100.3605, Florida Statutes, provides for changing election dates for members of its governing body by ordinance, which Hialeah Charter § 5.04 provides for general elections on the second Tuesday of November of each odd numbered year; and

**WHEREAS,** it is in the best interest of the City to change the election date in order to coincide with other municipalities, avoid voter confusion and save the substantial expense of conducting a separate municipal election.

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

**Section 1:** The Mayor and the City Council of the City of Hialeah, Florida hereby extend the election date for the general election for the year 2013 to Tuesday, November 19, 2013, for the offices of Mayor and Councilmembers whose terms have expired, pursuant to municipal powers vested by state law according to Florida Statutes §§ 166.021(4) and 100.3605(2) in order to conduct elections on the same date as other municipalities.

**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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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:** **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 5:** **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 May, 2013.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 31 day of may, 2013.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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