ORDINANCE NO. 2013-83

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 46 ENTITLED "HISTORICAL PRESERVATION" OF THE CODE OF ORDINANCES, AND IN PARTICULAR, REVISING HIALEAH CODE § 46-40 ENTITLED "POWERS AND DUTIES" TO CODIFY THE POWER AND DUTY OF THE HISTORIC PRESERVATION BOARD TO RECOMMEND THE NAMING OF CITY BUILDINGS, FACILITIES PARKS, RIGHTS-OF-WAY AND OTHER CITY PROPERTIES TO THE CITY COUNCIL AND TO PROHIBIT THE NAMING OF SUCH PROPERTIES AFTER ELECTED OFFICIALS OR RELATIVES OF ELECTED OFFICIALS DURING THE LIFETIME OF THE ELECTED OFFICIALS; 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 amend the provisions of the Historical Preservation Ordinance to codify the power and duties of the historic preservation board with respect to naming city buildings, facilities, parks, rights-of-way and other city properties and to prohibit naming such properties after elected officials or relatives during the lifetime of the elected officials.

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

Section 1: Chapter 46 entitled "Historical Preservation" of the Code of Ordinances of the City of Hialeah, Florida, by revising Hialeah Code § 46-40 entitled "Powers and Duties", is hereby amended to read as follows:

Chapter 46

HISTORICAL PRESERVATION

* * *

Sec. 46-40. Powers and duties.

(a) The historic preservation board shall have the following enumerated powers and duties

* * *

(13) Recommend to the city council the naming of city-owned buildings or areas within buildings, facilities, parks, rights-of-way and other city properties within municipal limits in recognition of a significant cultural, historic, educational, community or public service, humanitarian, financial or business contribution to the municipality, state or country; provided, however, that the name shall not include that of an elected official or an elected official's relative during the lifetime of the elected official.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.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, as appropriate, 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 26 day of November, 2013.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 2 day of DEC, 2013.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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

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Ordinance was adopted by a 6-0-1 vote with Council Members, Garcia-Martinez, Casals-Munoz, Caragol, Gonzalez, Hernandez and Lozano voting "Yes", Council Member Cue-Fuente was absent.