**ORDINANCE NO. 12-17**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA RENEWING THE LICENSE TO CLEAR CHANNEL OUTDOOR, INC., A DELAWARE CORPORATION, FOR A TERM OF FIVE YEARS, COMMENCING ON MAY 1, 2012 AND ENDING ON APRIL 30, 2017, TO PROVIDE, INSTALL AND MAINTAIN BUS PASSENGER SHELTERS WITH ADVERTISING IN AN AMOUNT DURING THIS RENEWAL TERM NOT TO EXCEED 75 SHELTERS UNDER THE SAME TERMS AND CONDITIONS OF THE LICENSE AGREEMENT DATED MAY 13, 2002, WITH THE PROVISION THAT THE RENEWED LICENSE DOES NOT EXTEND TO THE ANNEXATION AREA; 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 Hialeah, Fla., Ordinance 02-27 (April 26, 2002), Clear Channel Outdoor, Inc entered into an exclusive license with the City of Hialeah to place, install and operate bus or transit passenger shelters located within the existing geographic limits of the City (not including the Annexation Area) for a term of 5 years, with two 5-year renewal options; and

**WHEREAS,** pursuant to Hialeah, Fla., Ordinance 07-38 (Apr. 11, 2007), the City renewed the license with Clear Channel Outdoor, Inc. for five years, ending on April 30, 2012; and

**WHEREAS,** Clear Channel Outdoor, Inc. has exercised its option to renew the license for the second and final 5-year term and the City finds Clear Channel Outdoor, Inc. in continued compliance under the terms of the license and is entitled to the renewal.

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

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

**Section 2:** The Mayor and the City Council of the City of Hialeah, Florida hereby grant a license to Clear Channel Outdoor, Inc. a Delaware corporation, for a term of five years, commencing on May 1, 2012 and ending on April 30, 2017, to provide, install and maintain bus passenger shelters with advertising in an amount this renewal term not to exceed 75 shelters under the same terms and conditions of the License Agreement dated May 13, 2002, with the provision of that the renewed license does not extend to the Annexation Area.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: 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 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 10th day of April, 2012.

Isis Garcia-Martinez
Council President

Attest:

David Concepcion, City Clerk

Approved on this ___ day of _____, 2012.

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".