**ORDINANCE NO. 2015-45**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ADOPTING THE CITY OF HIALEAH 20-YEAR WATER SUPPLY FACILITIES WORK PLAN UPDATE AND RELATED TEXT AMENDMENTS TO THE POTABLE WATER ELEMENT, CONSERVATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT AND CAPITAL IMPROVEMENT ELEMENT OF THE HIALEAH, FLA., COMPREHENSIVE PLAN 2003-2015; 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,** the Planning and Zoning Board on May 27, 2015 recommended the adoption of the City of Hialeah 20-Year Water Supply Facilities Work Plan, subject to comments through the expedited state review process by the Florida Department of Economic Opportunity ("Department") or as otherwise provided in section 163.3184, Florida Statutes; and

**WHEREAS,** the City Council established its intent to adopt the City of Hialeah 20-Year Water Supply Facilities Work Plan and related text amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015, adopting the recommendation of the Planning and Zoning Board, through Hialeah, Fla., Resolution 2015-93 (June 9, 2015) that was submitted to the Department for approval; and

**WHEREAS,** City submitted the proposed text amendment and supporting data and analyses to the Department for review and comment; and

**WHEREAS,** on July 24, 2015 the Department reviewed the proposed amendment for consistency with the Hialeah, Fla., Comprehensive Plan, and Chapter 163, Part II, Florida Statutes, and issued its recommendations and comments; and

**WHEREAS,** it is the City's intent to adopt the City of Hialeah 20-Year Water Supply Facilities Work Plan update and related text amendments to the Potable Water Element, Conservation Element, Intergovernmental Coordination Element and Capital Improvement Element of the Hialeah, Fla., Comprehensive Plan 2003-2015 submitted to the Department, as amended and attached as Exhibit "1" to this ordinance.

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 approves and adopts the City of Hialeah 20-Year Water Supply Facilities Work Plan ("Plan") and hereby amend the text of the Potable Water Element, Conservation Element, Intergovernmental Coordination Element and Capital Improvement Element of the Hialeah, Fla., Comprehensive Plan (2003-2015). The Plan and the foregoing text amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015, which are attached herein as Exhibit "1" and made a part hereof for all purposes, shall be on file in the Office of the City Clerk.

**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.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive 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 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.**

Pursuant to Florida Statutes §163.3184(3)(c)4 the effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the

City that the plan amendment package is complete or if timely challenged, the date a final order is issued by the land planning agency or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier.

PASSED and ADOPTED this 8th day of September, 2015.

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

Isis Garcia-Martinez
Council President

Attest:

Approved on this 11 day of September, 2015.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

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Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casals-Munoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes"