

**ORDINANCE NO. 2019-044**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION" OF THE CODE OF ORDINANCES, ARTICLE V. ENTITLED "FINANCE", DIVISION 2. ENTITLED "FEES AND CHARGES", AND IN PARTICULAR AMENDING SECTION 2-873(a) TO EXPAND THE SCOPE OF THE VIOLATIONS AND LIENS RESEARCH TO INCLUDE OPEN CASES FOR VIOLATIONS OF THE FLORIDA FIRE PREVENTION CODE, VIOLATIONS OF THE FORTY-YEAR BUILDING RECERTIFICATION REQUIREMENT, AND OTHER DEBTS OWED TO THE CITY, TO PROVIDE FOR A STANDARD PROCESSING TIME FROM SEVEN TO TEN BUSINESS DAYS, AND PROVIDE FOR AN EXPEDITED VIOLATIONS AND LIEN RESEARCH FEE FOR AN ADDITIONAL \$100.00 WITH A PROCESSING TIME NOT TO EXCEED TWO BUSINESS DAYS; 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**, comprehensive property research services of City records concerning enforcement actions, open or expired building permits, unpaid water, sewer or solid waste services, and other unpaid debts owed to the city is of great value to the public, and requires the City to dedicate considerable time and resources; and

**WHEREAS**, consistent with its constitutional powers, the City is authorized to charge reasonable service fees; and

**WHEREAS**, to facilitate the process for the residents, the scope of the violations and lien research has been expanded, at no additional cost to residents, to include open cases for violations of the Florida Fire Prevention Code, violations of the forty-year building recertification requirement, and other debts owed to the City; and

**WHEREAS**, to satisfy the increasing demand for fast turnaround times, this Ordinance provides for an expedited violations and research lien process, with a two business days turnaround time, for an additional \$100.00; and

**WHEREAS**, this Ordinance is not intended to impinge upon the constitutional rights of the public to access public records; and

**WHEREAS**, this Ordinance protects the public welfare by promoting open and ordered governance.

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

**Section 1:** Chapter 2 entitled "Administration", of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 2

**ADMINISTRATION**

\* \* \*

**ARTICLE V. FINANCE**

\* \* \*

**DIVISION 2. FEES AND CHARGES**

\* \* \*

**Sec. 2-873. Property research services.**

(a) The city, through the Office of the City Clerk, shall offer research services of real property within the limits of the city that is limited to: (1) violations of the several regulatory codes enforced by the city, including information regarding unsafe structures and open or expired building permits, open code enforcement cases, open fire prevention cases, violations of the 40-year recertification requirement; (2) debts owed to the city, including unpaid water, sewer or solid waste services; and (3) liens recorded as a result of the city's enforcement actions, or as a result of a debt owed to the city. The city shall charge the following fees for each property address:

Service	Fee
<u>Standard Violations and lien research (processing time is approximately 7 to 10 business days).</u>	\$375.00
<u>Expedited Violations and lien research (processing time is 2 business days).</u>	<u>Additional \$100.00</u>
For research of each additional tax identification number or folio number assigned to the same property address	\$ 50.00
Pay-off or estoppel letter for all liens per property address	\$ 75.00
Partial Release for each lien released	\$500.00

\* \* \*

**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 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 to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

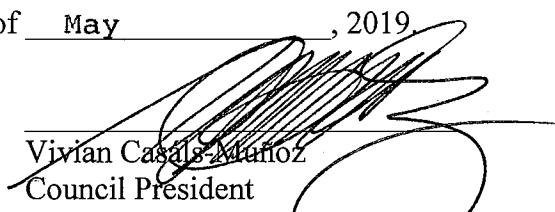
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 28 day of May, 2019

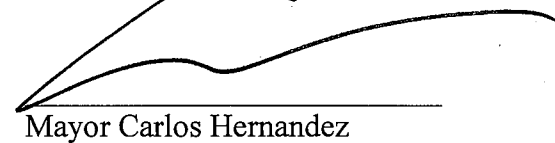
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

  
Vivian Casals-Munoz  
Council President

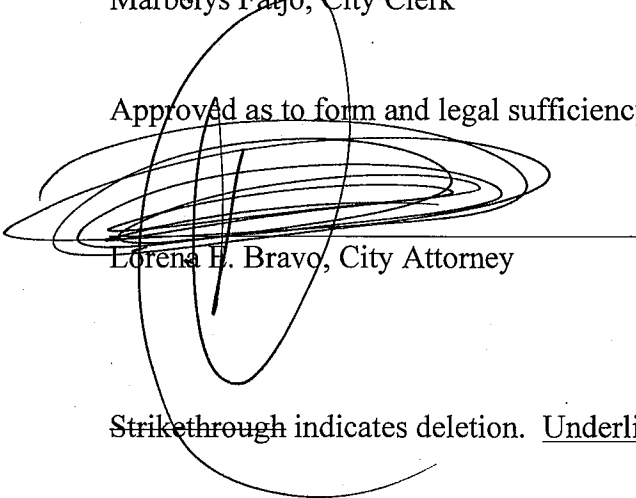
Attest:

Approved on this 6 day of June, 2019.

  
Marbelys Fajó, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Cue-Fuente, Casáls-Munoz, Garcia-Martinez, Hernandez, Caragol voting "Yes" and with Councilmember Lozano absent.

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