

ORDINANCE NO. 2021-002

ORDINANCE APPROVING AN AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS RECORDED IN OR BOOK 30440, PAGES 2995-2959 ON MARCH 1, 2017 PROVIDING FOR CONDITIONS REGARDING THE APPROVAL OF THE MAVERICK BREWING REAL ESTATE LLC A/K/A UNBRANDED BREWING COMPANY TO OPERATE AT 1395 EAST 11 AVENUE, HIALEAH FLORIDA. **PROPERTY LOCATED AT 1395 EAST 11 AVENUE HIALEAH, FLORIDA.** 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, Owner has requested that the Mayor and the City Council of the City of Hialeah, amend the Declaration of Restrictive Covenants due to the COVID-19 pandemic.

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

Section 1: The Declaration of Restrictive Covenants proffered in connection with the development order approved by Hialeah, Fla. Ordinance 2017-012 (March 8, 2017) authorizing Unbranded Brewing Company to sell beer and operate a restaurant at Property located at 1395 East 11 Avenue, Hialeah, Florida, is hereby amended as provided in Exhibit "A".

Section 2: **Repeal of Ordinances in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

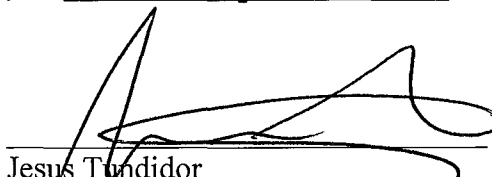
Section 3: **Penalties.** Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of 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: 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 12 day of January, 2021


Jesus Tundidor
Council President

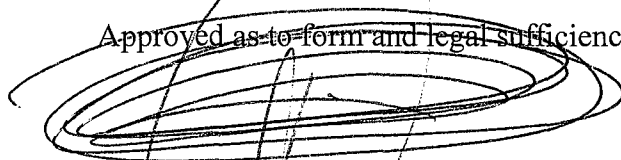
Attest:

Approved on this 20 day of January, 2021


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-0-3 vote with Councilmembers, De la Rosa, Garcia-Roves, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente and Council Member Hernandez absent and Council Vice President Perez recording her vote as "Yes".