

**ORDINANCE NO: 2021-093**

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE HIALEAH CODE OF ORDINANCES CHAPTER 18, ENTITLED "BUSINESSES", ARTICLE II.- CARNIVALS, SHOWS AND EXHIBITS, SPECIFICALLY AMENDING § 18-29 "PERMIT; OPERATING STANDARDS" INCREASING THE TIME PERIOD FOR CARNIVALS WITHIN THE HIALEAH PARK DISTRICT (HPD) FROM THIRTY TO SIXTY DAYS AND REQUIRING CITY COUNCIL APPROVAL FOR CARNIVALS LASTING IN EXCESS OF SIXTY DAYS UP TO 120 DAYS SUBJECT TO MITIGATION OF IMPACTS AND IMPLEMENTATION OF PUBLIC SAFETY MEASURES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, based upon the availability of vast acreage of vacant land to adequately accommodate pedestrian and vehicular traffic, the ongoing operations of a carnival located within the Hialeah Park District may be allowed on a temporary basis for up to 60 days; and

**WHEREAS**, carnivals in the Hialeah Park District that exceed sixty days may also be permitted, subject to City Council approval, and the implementation of measures to ensure public safety and guard against impacts such as parking, noise, light, and odors may be allowed for a period not exceeding 120 days.

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

**Section 1.** Chapter 18, entitled "Businesses", Article II.- Carnivals, Shows and

Exhibits is hereby amended as follows:

**CHAPTER 18 BUSINESSES**

\* \* \*

**ARTICLE II.- CARNIVALS**

\* \* \*

Sec. 18-29. - Permit; operating standards.

- (a) A permit fee of \$500.00 must be paid by the carnival operator for each sponsor at each location. This fee includes carnival operating rights, electrical and mechanical permits and inspections. Permit fees shall be payable to the planning and development department.
- (b) Dates, location and professional operator of the carnival must be approved by the city council not more than six months in advance.
- (c) When the carnival is held on property owned by other than the church, charitable or nonprofit organization, a notarized letter of permission from the property owner must be on file in the city clerk's office.
- (d) A refundable cleanup bond of \$250.00 must be filed in the city clerk's office and will be refunded upon satisfactory inspection of the property by the licensing section after the carnival closes.
- (e) Only one carnival shall be authorized to operate within the city limits at a time. The city council may waive this limitation but only to the extent of allowing no more than two carnivals to operate within the carnival that first obtained a permit to operate during the same or intersecting dates or time period.
- (f) All carnivals must close on or before 11:00 p.m. Sunday through Thursday and 12:00 midnight on Friday and Saturday.
- (g) Only one carnival will be allowed for each calendar year for each sponsor.
- (h) A carnival shall only be allowed to operate for five calendar days for each sponsor, ~~except that a~~
- (i) A carnival located and operated within the HPD Hialeah Park District may be extended for a time period not to exceed 360 days

for each sponsor. A carnival that is extended for more than five days within the HPD zoning district may not be extended beyond 360 days through a change in sponsorship in order to circumvent the limitation on the number of yearly carnivals per sponsor as provided by (g) or the maximum total number of days carnivals may be operated within the HPD zoning district. Notwithstanding the number of sponsors, carnivals held in the HPD zoning district may not exceed a total of 120 days in any 12-month period.

- (j) Prior to the conduct of any carnival in the HPD zoning district not exceeding 60 days, the proposed operation of the carnival shall be subject to review and approval by the building, fire and police departments and any other department necessary to determine whether the carnival operator is required to provide or implement measures to address any impacts on vehicular and pedestrian traffic on and off site, noise, light, odors, sanitation and any other impact to public health and safety as a result of the operation of the carnival.
- (k) It shall be unlawful for owners or operators of business establishments or vending stands located in or within two blocks of the area authorized for the event described to knowingly allow any person to leave the business establishment premises carrying an open glass or open metal container or for the vending stand to sell or dispense food or beverages in glass or metal containers.

Any carnival proposed to exceed 60 days in the HPD Hialeah Park District shall be subject to the approval of the City Council and shall require the following:

1. A plan for screening and buffers to minimize visual impacts of light and glare unto adjacent properties, and the measures to be implemented to minimize and mitigate light, glare, odor, and noise impacts to contiguous properties;
2. A parking plan which fully describes where and how parking is to be provided and utilized, including facilities to accommodate a waiting area, and designated drop off and pick up areas for shared car ride services;
3. Medical services and facilities available and locations of such facilities including provisions for first aid and emergency medical services;
4. A plan for the security of the public to include the number of persons proposed or required to monitor or facilitate crowd control, and how people waiting to enter the establishment, on the premises, and in existing the event will be arranged;

5. A sanitation plan, which addresses on-site facilities and off-premises issues resulting from the operation of the carnival.

- (1) It shall be unlawful for owners or operators of business establishments or vending stands located in or within two blocks of the area authorized for the event described to knowingly allow any person to leave the business establishment premises carrying an open glass or open metal container or for the vending stand to sell or dispense food or beverages in glass or metal containers.

**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.

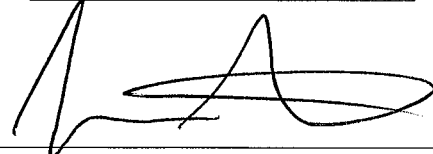
**Section 4: Severability Clause.**

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.

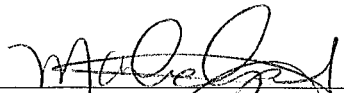
PASSED and ADOPTED this 28 day of September, 2021.




Jesus Tundidor  
Council President

Attest:

Approved on this 7 day of October, 2021.

  
Marbelys Fatjo, City Clerk  
Carlos Hernandez, Mayor

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and Council Member Hernandez absent.