

**ORDINANCE NO. 2021-123**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING ORDINANCE 2021-059 (JUNE 22, 2021) EXTENDING THE IMPOSITION DATE FOR PARK, RECREATION, AND OPEN SPACE, POLICE AND TRANSPORTATION IMPACT FEES TO FEBRUARY 1, 2022, CODIFIED AT HIALEAH, FLA. CODE §§98-2530, 98-2551, 98-2571 AND 98-2581 TO MAKE THE DATES CONSISTENT WITH THE IMPOSITION DATE FOR FIRE RESCUE IMPACT FEES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, On June 22, 2021, the City adopted Hialeah, Fla. Ordinance 2021-059 consolidating administrative and procedural provisions of its existing impact fee ordinances to consolidate and create consistent and uniform regulations for the administration of current and future impact fees imposed by the City (the "Consolidated Impact Fee Ordinance"); and

**WHEREAS**, the Consolidated Impact Fee Ordinance also adopted updated rate schedules for the City's park and recreation impact fees and established new police impact fees and transportation impact fees based on the studies prepared by Walter H. Keller, Inc.; and

**WHEREAS**, the City Council at its meeting of October 12, 2021 adopted Hialeah, Fla. Ordinance 2021-\_\_\_\_\_ updating the City's fire rescue impact fees and related rate schedules and providing that the fire rescue impact fees shall be imposed, collected and administered pursuant to the consolidated procedures adopted in the Consolidated Impact Fee Ordinance.

**WHEREAS**, the fire rescue impact fee is effective February 1, 2022;

**WHEREAS**, to aid in the administration of the Consolidated Impact Fee, this ordinance proposes to amend the application and imposition date to February 1, 2022.

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

**Section 1:** Chapter 98, Article VIII entitled Impact Fees, is hereby amended as follows:

**CHAPTER 98**

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**ARTICLE VIII. – IMPACT FEES**

\* \* \*

**DIVISION 1. – GENERALLY**

\* \* \*

**Sec. 98-2530. – Applicability.**

This Article and the obligations herein for the payment of Impact Fees shall apply to all Impact Construction that applies for a Building Permit on or after ~~October~~ February 1, 2021<sup>2</sup>, with such fees collected on the same date as, and as a prerequisite to, issuance of the Building Permit. Provided however, the Impact Fee rates set forth herein shall not be effective until the expiration of the publication and notice period set forth in Sec. 98-2535 hereof.

\* \* \*

**DIVISION 2. PARK, RECREATION AND OPEN SPACE IMPACT FEE**

\* \* \*

**Sec. 98-2551. – Imposition.**

\* \* \*

(c) All Park and Recreation Impact Construction occurring within the City for which a Building Permit is issued on or after ~~October~~ February 1, 2021<sup>2</sup> shall pay the following Park and Recreation Impact Fee rates:

**PARK AND RECREATION IMPACT FEE RATE SCHEDULE**  
[Ed. Note: Rate Schedule as adopted by Hialeah, Fla. Ordinance 2021-059  
(June 22, 2021)]

\* \* \*

**DIVISION 4. POLICE IMPACT FEE**

\* \* \*

**Sec. 98-2571. – Imposition.**

\* \* \*

(c) All Police Impact Construction occurring within the City for which a Building Permit is issued on or after ~~October~~ February 1, 2021<sup>2</sup> shall pay the following Park and Recreation Impact Fee rates:

**POLICE IMPACT FEE RATE SCHEDULE**  
[Ed. Note: Rate Schedule as adopted by Hialeah, Fla. Ordinance 2021-059  
(June 22, 2021)]

\* \* \*

**DIVISION 5. TRANSPORTATION IMPACT FEE**

\* \* \*

**Sec. 98-2581. – Imposition.**

\* \* \*

(c) All Transportation Impact Construction occurring within the City for which a Building Permit is issued on or after ~~October~~ February 1, 2021 shall pay the following Park and Recreation Impact Fee rates:

**TRANSPORTATION IMPACT FEE RATE SCHEDULE**  
[Ed. Note: Rate Schedule as adopted by Hialeah, Fla. Ordinance 2021-059  
(June 22, 2021)]

\* \* \*

**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 convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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.

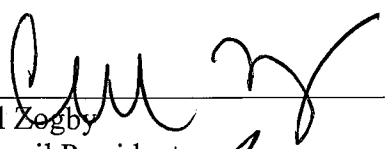
**Section 6: Inclusion in Code.**

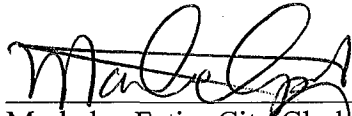
The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 7: Effective Date.**

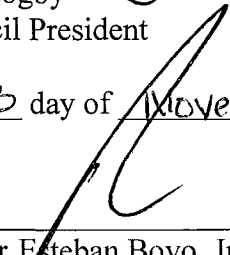
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor’s signature is withheld or if the City Council overrides the Mayor’s veto.

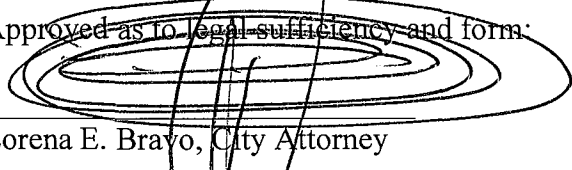
PASSED and ADOPTED this 9 day of November, 2021.

  
\_\_\_\_\_  
Carl Zogby  
Council President

Attest:  
  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

Approved on this 23 day of November, 2021.

  
\_\_\_\_\_  
Mayor Esteban Bovo, Jr.

Approved as to ~~legal sufficiency and form:~~  
  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Tundidor, and Zogby voting “Yes” and with Council Vice President away during the roll call for a vote.

Strikethrough indicates deletion. Underline indicates addition.