

ORDINANCE NO. 2022-040

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING ORDINANCE NO. 2022-003 (Feb 8, 2022), OF THE HIALEAH CODE OF ORDINANCES CHAPTER 18, ENTITLED "BUSINESSES", ARTICLE II, "SPECIAL EVENTS"; AMENDING §18-29 "PERMIT; HIALEAH PARK DISTRICT (HPD)" BY ALLOWING THE FACTORY TOWN ENTERTAINMENT SUBDISTRICT TO SITE SPECIAL EVENTS OF 60 DAYS OR LESS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance No. 2022-003, Special Events, on February 8, 2022; and

WHEREAS, the Factory Town Entertainment Subdistrict, is in the process of developing its properties pursuant to land use approvals previously granted; and

WHEREAS, amending Ordinance No. 2022-003 to allow for the Factory Town Entertainment Subdistrict to site special events as a ministerial matter until such time that the property is developed, and is allowed to proceed pursuant to the land use approvals; and

WHEREAS, ensuring that special events address public safety, such as crowd control, sanitation, emergency services, and mitigation of sound and lightning impacting adjacent properties, and such other matters as are necessary and proper.

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

Section 1: Ordinance No. 2022-003, is hereby amended to read as follows:

Sec. 18-29. - Permit; Hialeah Park District (HPD) and Factory Town Entertainment Subdistrict.

- (a) A special event located and operated within the HPD Hialeah Park District and in the Factory Town Entertainment Subdistrict on property of no less than four acres may, not exceed 60 days for each sponsor. A special event may not be extended beyond 60 days through a change in sponsorship in order to circumvent the limitation on the number of yearly

special events per sponsor as provided by (a) or the maximum total number of days special events may be operated within the HPD zoning district. Notwithstanding the number of sponsors, special events held in the HPD zoning district and Factory Town Entertainment Subdistrict may not exceed a total of 120 days in any 12-month period.

(b) Prior to the conduct of any special event in the HPD zoning district and Factory Town Entertainment Subdistrict not exceeding 60 days, the proposed operation of the special event shall be subject to review and approval by the building, fire and police departments and any other department necessary to determine whether the special event 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 special event, and comply with section 18-31 of the code of ordinances.

(c) Any special event proposed to exceed 60 days in the HPD Hialeah Park District and Factory Town Entertainment Subdistrict shall be subject to the approval of the City Council pursuant to this ordinance

(d) Cost recovery. Professionals or consultants deemed reasonably necessary by the city to be retained and enable the city to adequately and thoroughly review, evaluate and ensure public safety, including but not limited to crowd control, sanitation, emergency services, and mitigation of sound and lightning impacting adjacent properties, and such other matters as are necessary and proper, shall be paid by the applicant sponsoring the event. The city shall obtain an estimate of fees and costs for services to be rendered, and notify the applicant, and once agreed to paid by the applicant.

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: Inclusion in Code.

The Code Amendments provided for in this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, Florida.

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.

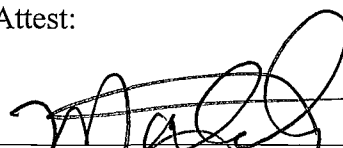
PASSED and ADOPTED this 10 day of May, 2022.



Carl Zogby
Council President

Attest:

Approved on this 23 day of May, 2022.

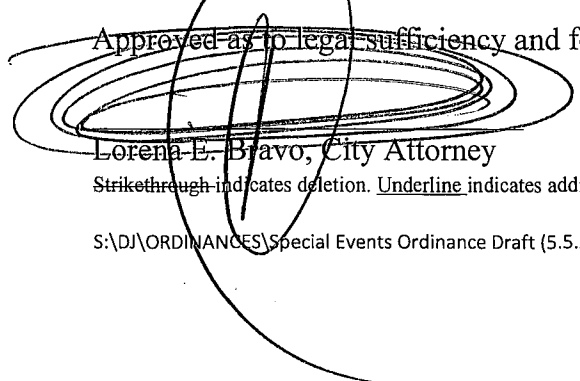


Marbelys Patjo, City Clerk

Mayor Esteban Bovo, Jr.

Ordinance was adopted by 5-0-2 vote with Councilmembers Calvo, Casáls-Muñoz, García-Roves, Rodríguez, and Zogby voting "Yes" and with Council Vice President Perez and Council Member Tundidor absent.

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Strikethrough indicates deletion. Underline indicates addition.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
READ AND APPROVED
AND PASSED BY THE CITY COUNCIL
ON MAY 10, 2022 AT 10:04 AM
AT THE FINAL READING.