

**ORDINANCE NO.** 2022-071

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REPEALING SECTION 30-32 ENTITLED “ATTENDANCE AND ABSENTEEISM”, CREATED BY ORDINANCE NO. 2021-023 (MARCH 29, 2021), OF THE CITY OF HIALEAH CODE OF ORDINANCES, PROVIDING FOR A PENALTY UPON A COUNCIL MEMBER FOLLOWING A THIRD ABSENCE UNLESS GOOD CAUSE IS SHOWN; 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.

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

**Section 1:** Section 30-32 entitled “Attendance and absenteeism” of the City of Hialeah Code of Ordinances, providing for a penalty following a third absence upon a council member unless good cause is shown, is hereby repealed.

**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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

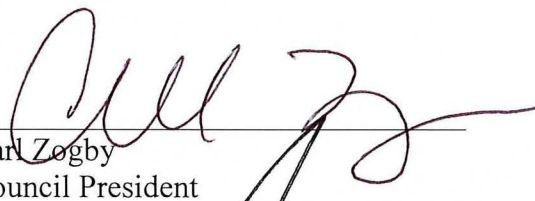
**Section 4: Severability Clause.**

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; Retroactive Application to October 1, 2021.**

This ordinance shall become effective when passed by the City council and signed by the Mayor or after the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto, and shall be effective retroactive to October 1, 2021, with the same force and effect as if this Ordinance had been passed on that date.

PASSED and ADOPTED this 13 day of September, 2022.

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

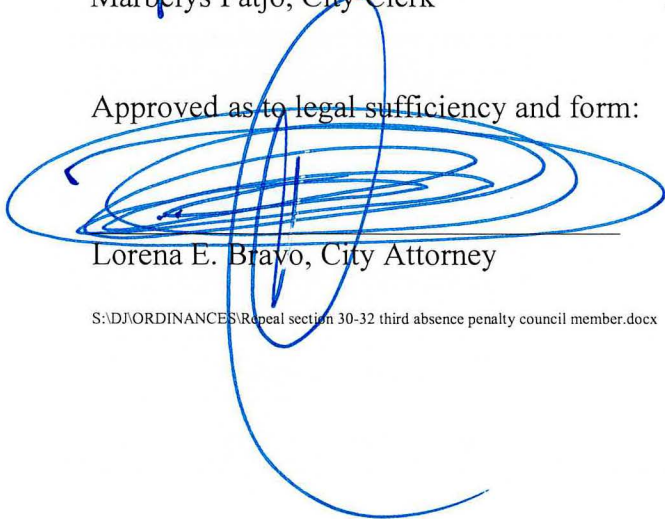
Attest:

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

Approved on this 23 day of September, 2022.

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

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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Ordinance was adopted by 6-0-1 vote with Councilmembers Calvo, Casáls-Muñoz, García-Roves, Perez, Rodriguez, and Zogby voting "Yes" and with Councilmember Tundidor absent.