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ORDINANCE NO. 2024-07

AN ORDINANCE OF WELLINGTON'S COUNCIL AMENDING THE WELLINGTON CODE OF ORDINANCES TO CREATE A NEW SECTION 1-13 OF CHAPTER 1, GENERAL PROVISIONS, TO BE TITLED "PUBLIC NOTICE REQUIREMENTS", PROVIDING FOR ELECTRONIC PUBLICATION OF REQUIRED NOTICES AND ADVERTISEMENTS ON A PUBLICLY ACCESSIBLE COUNTY WEBSITE, PROVIDING FOR ANNUAL NOTIFICATION TO RESIDENTS AND PROPERTY OWNERS TO RECEIVE NOTICES BY MAIL OR E-MAIL, AND ESTABLISHING A REGISTRY FOR THIS PURPOSE IN ACCORDANCE WITH SECTION 50.0311, FLORIDA STATUTES; AMENDING CHAPTER 20, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, SECTIONS 20-15, 20-16 AND 20-18 OF WELLINGTON'S CODE OF ORDINANCES TO REFERENCE THE NEW SECTION 1-13 AND THE LAND DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, Section 50.0311, Florida Statutes, was enacted by the Florida Legislature to give a governmental agency the option to publish certain legally required advertisements and public notices on a publicly accessible website of the county in which it lies, rather than in a newspaper of general circulation, if certain requirements are met; and

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WHEREAS, the threshold requirement for use of such a website is that the cost of publishing advertisements and public notices on the website is less than the cost of publishing advertisements and public notices in the newspaper; and

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WHEREAS, Palm Beach County has established a publicly accessible website in accordance with the statute ("Website") and Wellington has determined that the cost of publishing advertisements and public notices on the Website is less than the cost of publishing such advertisements and public notices in the newspaper; and

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WHEREAS, the Wellington Council now desires to amend its Code of Ordinances to allow for Wellington's use of the Website in accordance with the statute; and

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WHEREAS, pursuant to section 50.0311(6), Wellington also seeks to amend its Code of Ordinances to provide for an annual notification to all residents and property owners in Wellington regarding the option to receive legally required advertisements and public notices from Wellington by first-class mail or e-mail, and to establish a registry for this purpose; and

1
2 **WHEREAS**, the Wellington Council finds that its use of the Website will promote
3 efficiency and provide a cost savings to Wellington taxpayers and that all statutory
4 requirements for Wellington’s use of the Website have been met.
5

6 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**
7 **FLORIDA THAT:**
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9 **SECTION 1:** Chapter 1, General Provisions, of the Code of Ordinances,
10 Wellington, Florida is hereby amended by adding a section to be numbered 1-13, which
11 section reads as follows:
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13 **Sec. 1-13: Public Notice Requirements**
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15 A. *Publication.* Whenever legal notice is required by Florida law, and except as
16 otherwise set forth in this Code or in Wellington’s Land Development Regulations
17 (LDR), Wellington may cause such notice to be published in a newspaper of
18 general circulation in Wellington or Palm Beach County, Florida, not less than 15
19 days prior to the date of the public hearing or such shorter or longer period of time
20 as may be required or allowed by Florida law, this Code, or Wellington’s LDR.
21 Alternatively, in lieu of publication in a newspaper of general circulation,
22 Wellington may satisfy its publication requirements electronically on the publicly
23 accessible website of Palm Beach County as allowed by Chapter 50, Florida
24 Statutes, as may be amended from time to time, and the provisions of subsection
25 (E)(1) and (2) below shall apply to such electronic publication. Such electronic
26 notices shall be posted for a minimum of 15 consecutive days prior to the date of
27 the public hearing or for such shorter or longer period of time as may be required
28 or allowed by Florida law, this Code, or Wellington’s LDR.
29

30 B. *Contents of notice.* The contents of any notice published in accordance with this
31 section shall comply with Florida law, this Code or the LDR, as applicable.
32

33 C. *Applicability to all public hearings.* The notice requirements set forth in this
34 section, and the LDR, shall be applicable to all public hearings for the particular
35 application or action before recommending bodies and bodies before which final
36 action will be taken, including any appeal.
37

38 D. *Costs of notice.* The applicant (where applicable) for the application or action
39 shall be responsible for the cost of all notices, except that in the case of appeal
40 by a party other than the applicant, the appellant shall be responsible for the
41 cost of all notices for the appeal.
42

43 E. When Wellington elects to publish an advertisement or public notice on a publicly
44 accessible website consistent with Chapter 50, Florida Statutes, the following
45 shall apply to such electronic publication:
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1 1. A link to advertisements and public notices published on a publicly
2 accessible website shall be conspicuously placed on the homepage of
3 Wellington’s official website. All advertisements and public notices
4 published on a publicly accessible website as provided in this section shall
5 be in searchable form and indicate the date on which the advertisement or
6 public notice was first published on the website.

7
8 2. Wellington shall provide an annual notice in a newspaper of general
9 circulation or another publication that is mailed or delivered to all residents
10 and property owners throughout its jurisdiction, indicating that property
11 owners and residents may receive legally required advertisements and
12 public notices from Wellington by first-class mail or e-mail upon
13 registration. Wellington shall maintain a registry of names, addresses, and
14 e-mail addresses of property owners and residents who have requested in
15 writing to receive legally required advertisements and public notices from
16 Wellington by first-class mail or e-mail.

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18 **SECTION 2:** Chapter 20, section 20-15 of the Code of Ordinances, Wellington,
19 Florida is hereby amended to read as follows:

20
21 **Section 20-15: Notice of Intent**

22
23 ~~Prior to filing the petition for abandonment with the department, the petitioner shall give~~
24 ~~notice of their intention to file the petition~~Notice of intent to petition for abandonment
25 under this article shall be given by publishing legal notice ~~in a newspaper of general~~
26 ~~circulation in the county, in not less than two weekly issues of said paper~~in accordance
27 with section 1-13 of this Code and the LDR.

28
29 **SECTION 3:** Chapter 20, section 20-16 of the Code of Ordinances, Wellington,
30 Florida is hereby amended to read as follows:

31
32 **Section 20-16: Public Hearing of Petitions for Abandonment of Wellington Rights-**
33 **of-Way and Public Easements for Drainage of Wellington Rights-of-Way**

- 34
35 A. *Public hearing required if Wellington rights-of-way or public easement affected.* A
36 public hearing shall be held for any petition for abandonment that affects a
37 Wellington right-of-way or public easement for drainage that services a Wellington
38 right-of-way. If a petition does not affect a Wellington right-of-way or public
39 easement for drainage that services a Wellington right-of-way, a public hearing is
40 not required, and upon its review and sole discretion, the Wellington Council shall
41 adopt a resolution either approving or denying the petition.
42
43 B. *Time and place of hearing.* The Wellington Council hereby directs the Village
44 Manager or their designee to establish a definite time and place to hold the public
45 hearing required by this article, and to publish the notice of said hearing.
46

- 1 C. *Publication ~~and of~~ notice of public hearing.* Notice of such public hearing shall be
2 published ~~two times in a newspaper of general circulation in the county, with the~~
3 ~~first publication being at least two weeks prior to the date stated therein for such~~
4 ~~hearing in accordance with section 1-13 of this Code and the LDR.~~
5
- 6 D. *Posting of notice of public hearing.* When applicable, ~~The the~~ department shall
7 notify the petitioner of the date and time of the public hearing and shall direct the
8 petitioner to post the property with a notice of petition to vacate. The petitioner shall
9 post the notice ~~in a conspicuous and easily visible location on the subject property,~~
10 ~~abutting a public thoroughfare when possible, at least ten days prior to the public~~
11 ~~hearing in accordance with the LDR.~~
12
- 13 E. *Mailing of notice of public hearing.* The department shall mail a copy of the notice
14 of public hearing to each addressee in the envelopes provided by petitioner
15 pursuant to the provisions of this article, at least ten days prior to the public hearing.
16
- 17 F. *Testimony.* At the public hearing, all interested persons shall be entitled to testify
18 under oath regarding the petition; however, the Wellington Council may decline to
19 hear testimony that is repetitious, irrelevant, or immaterial. If the Council approves
20 the petition, it may vacate all or any portion of the subject public interest and may
21 require such conditions as the Council deems to be in the public interest.
22
- 23 G. *Adoption of resolution.* If the Council approves the petition, it shall do so by
24 resolution.
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26 **SECTION 4:** Chapter 20, section 20-18 of the Code of Ordinances is hereby
27 amended as follows:
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29 **Section 20-18: Publication of Notice of Adoption of Resolution and Recordation**
30 **of Resolution.**
31

32 Notice of the adoption of a resolution approving a petition for abandonment pursuant to
33 this article shall be published ~~one time,~~ within 30 days following the date of adoption ~~in a~~
34 ~~newspaper of general circulation in the county~~ as set forth in section 1-13 of this Code
35 and the LDR. The proof of publication of the notice of public hearing, the resolution as
36 adopted, and the proof of publication of the notice of the adoption of such resolution shall
37 be recorded in the official records.
38

39 **SECTION 5:** Should any section, paragraph, sentence, clause, or phrase of this
40 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
41 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
42 this Ordinance shall prevail to the extent of such conflict.
43

44 **SECTION 6:** Should any section, paragraph, sentence, clause, or phrase of this
45 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
46 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,

1 other than the part so declared to be invalid.

2
3 **SECTION 7:** This Ordinance shall become effective immediately upon adoption
4 of the Wellington Council following second reading.

5
6 **PASSED** this _____ day of _____, 20__ upon first reading.

7
8 **PASSED AND ADOPTED** this _____ day of _____, 20 on second and
9 final reading.

10
11 **WELLINGTON**

12 **FOR** **AGAINST**

13
14 BY: _____
15 Michael J. Napoleone, Mayor

16
17 _____
18 John T. McGovern, Vice Mayor

19
20 _____
21 Tanya Siskind, Councilwoman

22
23 _____
24 Maria Antuña, Councilwoman

25
26 _____
27 Amanda Silvestri, Councilwoman

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29
30 **ATTEST:**

31
32 BY: _____
33 Chevelle D. Hall Village Clerk

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36 **APPROVED AS TO FORM AND**
37 **LEGAL SUFFICIENCY**

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40 BY: _____
41 Laurie S. Cohen, Village Attorney