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ORDINANCE NO. 2014-23

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 14, ENFORCEMENT PROCEEDINGS AND PENALTIES OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON; ELIMINATING REFERENCES TO THE CODE ENFORCEMENT BOARD, SPECIAL MASTER AND TO THE PLANNING, ZONING AND BUILDING DEPARTMENT; ADDING REFERENCES TO SPECIAL MAGISTRATE AND PLANNING AND DEVELOPMENT SERVICES DEPARTMENT; REPEALING SECTION 14.4.2; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington's Council, pursuant to the authority granted to it in Chapters 163 and 166, *Florida Statutes*, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the proposed revisions eliminate reference to a code enforcement board and Special Master; and

WHEREAS, the proposed amendments ensure that the terms used in Article 14 are consistent with and reflect the most recent revisions to Chapter 162, *Florida Statutes*; and

WHEREAS, the Planning, Zoning and Adjustment Board, acting as the Local Planning Agency, after notice and public hearing on May 7, 2014, has reviewed the proposed Ordinance and determined that the proposed amendment is consistent with Wellington's Comprehensive Plan; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, Wellington staff and the comments from the public into consideration when considering the amendments to the Land Development Regulations that are the subject of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE OF WELLINGTON, FLORIDA COUNCIL THAT:

SECTION 1. Article 14 of Wellington's Land Development Regulations (ENFORCEMENT PROCEEDINGS AND PENALTIES) is hereby amended, as follows:

Chapter 1. GENERAL

The provisions of this Code shall be enforced by Special Magistrate pursuant to the authority granted by Sec. 162 Fla. Stat., as it may from time to time be amended; (2) the Wellington Tree Board pursuant to the authority granted by this Code; (3) the Wellington Council through its authority to enjoin and restrain any person violating the Code; or (4) the

Village of Wellington.

Chapter 2. ENFORCEMENT BY CODE ENFORCEMENT BOARD AND/OR SPECIAL MASTER

The Special Magistrates, appointed from time to time by the Wellington Council, shall have the jurisdiction and authority to hear and decide alleged violations of the codes and ordinances enacted by Wellington as provided in Chapter 2, Article V, Code of Ordinances.

Chapter 3. OTHER LEGAL REMEDIES

In addition to the penalties and enforcement procedures provided in the Code of Ordinances Chapter 2, Article IV, the Wellington Council may institute any lawful civil action or proceeding to prevent, restrain, or abate:

Section 14.3.1 Unlawful Action

The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or

Section 14.3.2 Occupancy

The occupancy of such building, structure, land, or water; or

Section 14.3.3 Illegal Use of Premise

The illegal act, conduct, business, or use of, in or about such premises.

Chapter 4. OTHER ADMINISTRATIVE REMEDIES

Section 14.4.1 Cease and Desist Orders

The Planning and Development Services Department shall have the authority to issue cease and desist orders in the form of written official notices given to the owner of the subject building, property, or premises, or to the owner's agent, lessee, tenant, contractor, or to any person using the land, building, or premises where such violation has been committed or shall exist.

Section 14.4.2 Building permits and certificates of occupancy and use is hereby repealed.

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 4. This Ordinance shall become effective immediately upon adoption of the Village Council following second reading.

PASSED this _____ day of _____, 2014 on first reading.

PASSED AND ADOPTED this _____ day of _____, 2014, on second and final reading.

WELLINGTON

FOR

AGAINST

BY: _____	_____	_____
Bob Margolis, Mayor		
_____	_____	_____
John Greene, Vice Mayor		
_____	_____	_____
Matt Willhite, Councilman		
_____	_____	_____
Howard K. Coates, Jr. Councilman		
_____	_____	_____
Anne Gerwig, Councilwoman		

ATTEST:

BY: _____
Awilda Rodriguez, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney