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AN ORDINANCE OF WELLINGTON'S COUNCIL, AMENDING CHAPTER 9, ARTICLE I, SECTION 9-5 (PROCEDURE FOR ENFORCEMENT) OF THE WELLINGTON CODE OF ORDINANCES TO CLARIFY THE METHOD OF DELIVERY FOR A NOTICE OF NUISANCE AND THE TIMEFRAMES FOR CORRECTION FOLLOWING THE ISSUANCE OF A NOTICE OF NUISANCE AND A NOTICE OF VIOLATION TO A PROPERTY OWNER; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council is authorized and empowered to adopt and amend legislation to govern the affairs of its citizens and promote the public health, safety, and welfare of the community; and

WHEREAS, on November 12, 2024, the Wellington Council adopted Ordinance No. 2024-19, amending Chapter 9 of the Code of Ordinances (“Code”), in part, to clarify the nuisance abatement procedures set forth in section 9-5 of the Code; and

WHEREAS, the amendment to section 9-5, as outlined in Ordinance No. 2024-19, created a clearer distinction between the Notice of Nuisance and the Notice of Violation, both of which must be sent to a property owner before the Village Manager may authorize the abatement of the nuisance by Wellington; and

WHEREAS, in implementing the amendment to section 9-5, as outlined in Ordinance No. 2024-19, staff has determined that the amendment inadvertently created an inconsistency within this section as to the timeframes for correction following the issuance of a Notice of Nuisance and a Notice of Violation to a property owner; and

WHEREAS, the Wellington Council now desires to amend the language in section 9-5 to eliminate any inconsistency, to clarify that the Notice of Nuisance is sent by regular mail, and to facilitate the implementation of the nuisance abatement procedures as may be required under the Code.

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

SECTION 1: Chapter 9, section 9-5 of the Code of Ordinances, Wellington, Florida, is hereby amended to read as follows:

Sec. 9- 5: Procedure for Enforcement

1 A. Notice of Nuisance. Upon the finding by Wellington that a nuisance exists,
2 Wellington will send a notice of nuisance by regular mail to the address of the
3 property owner, as shown by the tax rolls of the county. The notice of nuisance
4 shall set forth:

- 5 1. The Code section violated and a description of the nature of the violation;
6
- 7 2. A demand that remedial action be taken to correct the nuisance within a
8 maximum of 21 days from the date of the mailing of such notice of nuisance;
9
- 10 3. A statement that failure to remedy the nuisance by the deadline specified in
11 the notice of nuisance may result in correction of the nuisance by Wellington
12 at the expense of the property owner; and
13
- 14 4. A statement that the notice of nuisance may be appealed pursuant to
15 section 9- 6.
16

17 B. Notice of Violation.

- 18 1. If the nuisance has not been corrected by the date specified in the notice of
19 nuisance, a notice of violation shall be issued to the property owner that
20 shall set forth:
21
22
 - 23 a. The Code section violated and description of the nature of the
24 violation;
25
 - 26 b. A demand that remedial action be completed to correct the nuisance
27 within a maximum of 15 days from the earlier of the date of the
28 mailing or posting of such notice of violation;
29
 - 30 c. A statement that failure to remedy the violation by the date specified
31 in the notice of violation will result in correction of the violation by
32 Wellington at the expense of the property owner; and
33
 - 34 d. A statement that the notice of violation may be appealed pursuant to
35 section 9-6.
36
- 37 2. The notice of violation shall be mailed to the address of the property owner,
38 as shown by the tax rolls of the county, by certified mail, return receipt
39 requested. The notice shall also be posted upon the property's front door or
40 facade, or if there is no building, stapled to a stake sign and covered with
41 plastic. If Wellington has previously corrected the same violation, the notice
42 shall state that no further notice of Wellington' s intent to take remedial
43 actions to address the violations will be given. However, if the property
44 owner changes, a new notice of violation shall be provided.
45

- 1 3. If the owner of the subject property fails to correct the nuisance by the date
2 specified in the notice of violation, the Village Manager may authorize the
3 correction (or abatement) of the nuisance by Wellington. The charge for the
4 cost of abatement shall be levied in an amount equal to the actual cost to
5 Wellington. The actual method of correction shall be determined by the
6 Village Manager or designee, and may, in the case of a dilapidated
7 structure, include boarding of broken windows and doors.
8
- 9 C. If Wellington effects abatement, the costs shall be calculated, and an invoice sent
10 to the property owner of record by regular mail.
11
- 12 D. Failure to pay the full amount of any charges assessed pursuant to this section,
13 when due, shall result in Wellington filing a lien in the public records of Palm Beach
14 County for the amount of the invoice plus any recording costs. A notice that a lien
15 has been recorded shall be sent to the property owner at the owner's address
16 according to the tax rolls of the county.
17
- 18 E. Nothing in this section shall prevent the department from pursuing enforcement of
19 this article through the code compliance process or through any other means
20 permissible by law.
21
- 22 F. The Wellington Code Compliance Division will keep a docket of these liens, and
23 will notify the Wellington Council of liens that are not paid. Wellington may enforce
24 the lien in any manner or method permitted by law, including instituting an action
25 to foreclose the lien on non-homestead property after authorization by the
26 Wellington Council. The Wellington Council's decision not to approve foreclosure
27 shall not constitute an estoppel or waiver of Wellington's lien rights or staff's ability
28 to present the matter for Council consideration at a later time. Wellington is entitled
29 to recover all costs, expenses, and attorneys' fees incurred in enforcing the lien,
30 including those on appeal.
31

32 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
33 Ordinance conflict with any section, paragraph, clause, or phrase of any prior Wellington
34 Ordinance, Resolution, or Municipal Code provision, in that event the provisions of this
35 Ordinance shall prevail to the extent of such conflict.
36

37 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
38 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
39 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
40 other than the part so declared to be invalid.
41

42 **SECTION 4:** This Ordinance shall become effective immediately upon adoption
43 of the Wellington Council following second reading.
44

45 **PASSED** this _____ day of _____, 20____ upon first reading.
46

1 **PASSED AND ADOPTED** this _____ day of _____, 20____ on second and
2 final reading.
3

4 **WELLINGTON**

5 **FOR**

AGAINST

6
7 BY: _____

8 Michael J. Napoleone, Mayor

9
10 _____
11 John T. McGovern, Vice Mayor

12
13 _____
14 Tanya Siskind, Councilwoman

15
16 _____
17 Maria Antuña, Councilwoman

18
19 _____
20 Amanda Silvestri, Councilwoman

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24 **ATTEST:**

25
26 BY: _____

27 Chevelle D. Hall, MMC, Village Clerk
28
29

30 **APPROVED AS TO FORM AND**
31 **LEGAL SUFFICIENCY**

32
33
34 BY: _____

35 Laurie S. Cohen, Village Attorney
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