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**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.

**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, ~~by certified mail, return~~  
4 ~~receipt requested~~. The notice of nuisance 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 ~~completed~~ taken to correct the nuisance  
8 within a maximum of 21 days from the date of the mailing of such notice of  
9 nuisance;  
10
- 11 3. A statement that failure to remedy the nuisance by the deadline specified  
12 in the notice of nuisance may result in correction of the nuisance by  
13 Wellington at the expense of the property owner; and  
14
- 15 4. A statement that the notice of nuisance may be appealed pursuant to  
16 section 9- 6.  
17

18 B. Notice of Violation.  
19

- 20 1. If the nuisance has not been corrected ~~within 21 days after the date of~~  
21 ~~mailing~~ by the date specified in the notice of nuisance, a notice of violation  
22 shall be issued to the property owner that shall set forth:  
23
  - 24 a. The Code section violated and description of the nature of the  
25 violation;  
26
  - 27 b. A demand that remedial action be completed to correct the  
28 nuisance within a maximum of 15 days from the earlier of the date  
29 of the mailing, ~~delivery~~, or posting of such notice of violation;  
30
  - 31 c. A statement that failure to remedy the violation by the date  
32 specified in the notice of violation will result in correction of the  
33 violation by Wellington at the expense of the property owner; and  
34
  - 35 d. A statement that the notice of violation may be appealed pursuant  
36 to section 9-6.  
37
- 38 2. The notice of violation shall be mailed to the address of the property  
39 owner, as shown by the tax rolls of the county, by certified mail, return  
40 receipt requested. The notice shall also be posted upon the property's  
41 front door or facade, or if there is no building, stapled to a stake sign and  
42 covered with plastic. If Wellington has previously corrected the same  
43 violation, the notice shall state that no further notice of Wellington' s intent  
44 to take remedial actions to address the violations will be given. However,  
45 if the property owner changes, a new notice of violation shall be provided.  
46

1           3. If the owner of the subject property fails to correct the nuisance by the  
2           date specified in the notice of violation, the Village Manager may authorize  
3           the correction (or abatement) of the nuisance by Wellington. The charge  
4           for the cost of abatement shall be levied in an amount equal to the actual  
5           cost to Wellington. The actual method of correction shall be determined by  
6           the 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  
14          Beach County for the amount of the invoice plus any recording costs. A notice  
15          that a lien has been recorded shall be sent to the property owner at the owner's  
16          address according to the tax rolls of the county.  
17

18          E. Nothing in this section shall prevent the department from pursuing enforcement  
19          of 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  
24          enforce the lien in any manner or method permitted by law, including instituting  
25          an action to foreclose the lien on non-homestead property after authorization by  
26          the Wellington Council. The Wellington Council's decision not to approve  
27          foreclosure shall not constitute an estoppel or waiver of Wellington's lien rights or  
28          staff's ability to present the matter for Council consideration at a later time.  
29          Wellington is entitled to recover all costs, expenses, and attorneys' fees incurred  
30          in enforcing the lien, 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

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on second and final reading.

## WELLINGTON

**FOR**

## AGAINST

BY: \_\_\_\_\_

Michael J. Napoleone, Mayor

John T. McGovern, Vice Mayor

Tanya Siskind, Councilwoman

Maria Antuña, Councilwoman

Amanda Silvestri, Councilwoman

**ATTEST:**

BY: \_\_\_\_\_

Chevelle D. Hall, MMC, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_

Laurie S. Cohen, Village Attorney