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**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 36 TITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" IN ITS ENTIRETY, AND AMENDING AND RENUMBERING IT AS CHAPTER 13 TITLED "OFFENSES AND MISCELLANEOUS PROVISIONS," AS CONTAINED HEREIN, TO SIMPLIFY THE CODE, REMOVE UNECESSARY AND OBSOLETE PROVISIONS, ESTABLISH STANDARDS FOR PROPERTY MAINTENANCE AND NOISE, IMPOSE RESIDENCY RESTRICTIONS FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS CONSISTENT WITH STATE LAW, AND PROHIBIT THE PRACTICE OF CONVERSION THERAPY ON MINORS; PROVIDING A REPEALER CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Wellington Council, as the governing body, pursuant to the authority vested in it by Chapter 166, Florida Statutes, and Article VIII, Section 2 of the Florida Constitution, is authorized and empowered to adopt legislation to govern the affairs of its citizens; and

**WHEREAS**, Wellington adopted its first Code of Ordinances in 1997, shortly after incorporation, and since that time has adopted revisions as necessary to protect the health, safety and welfare of its citizens; and

**WHEREAS**, Wellington believes that it is in the best interest of the community to make additional modifications to the Code of Ordinances to remove outdated and unnecessary provisions and to simplify the provisions set forth therein.

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

**SECTION 1:** Chapter 36 of Wellington’s Code of Ordinances is hereby repealed in its entirety, and is amended and renumbered as Chapter 13, titled “Offenses and Miscellaneous Provisions,” and is hereby adopted as specifically provided in Exhibit A attached to this Ordinance.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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 4:** 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 5:** This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022 upon first reading.

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

**WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY: _____ Anne Gerwig, Mayor	_____	_____
_____ John McGovern, Vice Mayor	_____	_____
_____ Michael Drahos, Councilman	_____	_____
_____ Michael Napoleone, Councilman	_____	_____
_____ Tanya Siskind, Councilwoman	_____	_____

**ATTEST:**

BY: \_\_\_\_\_  
Chevelle D. Addie Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Laurie S. Cohen, Village Attorney

## EXHIBIT A

### ~~Chapter 36—OFFENSES AND MISCELLANEOUS PROVISIONS~~

#### ~~ARTICLE I.—IN GENERAL~~

~~Secs. 36-1—36-20.—Reserved.~~

#### ~~ARTICLE II.—PROPERTY MAINTENANCE<sup>(1)</sup>~~

#### ~~Footnotes:~~

~~—(1)—~~

~~**Editor's note**—Section 1 of Ord. No. 98-15, adopted July 28, 1998, repealed §§ 36-21—36-23, 36-31 and 36-32 in their entirety. Formerly, said sections pertained to property maintenance standards and derived from Arts. I and II of Ord. No. 98-03, adopted Feb. 24, 1998. Section 2 of Ord. No. 98-15 added new provisions as herein set out.~~

~~Sec. 36-21.—Definitions.~~

~~The following words and terms, when used in this article, have the meanings specified herein:~~

~~*Accumulation* means any one or more articles of litter.~~

~~*Developed property* means any real property upon which a structure, paving or other improvement has been erected or installed. Overhead, underground and other public or franchised utility installations shall not be considered improvements for the purposes of this definition.~~

~~*Landscaped areas* means outdoor area, required to consist of or consisting of any of the following or combination thereof, grass, ground covers, shrubs, vines, hedges, trees or palms; and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls or fences but excluding paving.~~

~~*Litter* means rubbish and all other solid waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.~~

~~*Natural area* means an area of native vegetative cover.~~

~~*Native vegetation* means any plant species with a geographic distribution indigenous to all or part of the village.~~

~~*Non-native vegetation* shall mean any plant not native to the State of Florida allowed to grow in an uncontrolled manner.~~

~~*Rubbish* means solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard and tin cans.~~

~~*Solid waste* as defined in section 46-23, Code of Ordinances of the Village of Wellington.~~

~~*Undeveloped property* means any real property, which is not developed property.~~

~~*Yard* means a space open and unobstructed from the ground to the sky, except by permitted encroachments on the same lot with a structure or use.~~

~~Yard, front means an area extending across the full width of the lot between the front lot line and the nearest line of any building on the lot.~~

~~Yard, rear means an area extending across the full width of the lot between the rear lot line and nearest line of the main building.~~

~~Yard, side means an area extending from the front lot line to the rear lot line, between the side lot line and the nearest line of any building on the lot.~~

~~(Ord. No. 98-15, § 2, 7-28-98; Ord. No. 2017-01, § 1, 4-25-17)~~

~~Sec. 36-22. Property maintenance standards—General.~~

~~(a) Applicability. These regulations shall apply to all property within the village and, unless otherwise stated, the property owner shall be responsible for all maintenance required by this section.~~

~~(b) General regulations.~~

~~(1) All principal and accessory buildings and structures and their appurtenances shall be maintained free of debris, stains, mold, discoloration, or deterioration.~~

~~(2) All driveways, sidewalks, and parking areas shall be maintained free of debris, stains, mold, discoloration, or deterioration.~~

~~(3) Flags and flagpoles shall be maintained free of debris, stains, mold, discoloration, or deterioration.~~

~~(4) All dumpsters shall be screened and located in a manner approved by the village, and the dumpster and the area surrounding them shall be maintained free of debris, stains, mold, discoloration, or deterioration.~~

~~(c) Fence and wall maintenance.~~

~~(1) Fences and walls shall be maintained in good order and repair and shall be subject to the standards enumerated within this section.~~

~~(2) Painted surfaces shall not be faded and shall be free of discoloration, staining, or peeling. Other surfaces shall not be faded, discolored, stained, peeling, chipped, or broken.~~

~~(3) Surfaces shall be cleaned or repainted when any surface is more than ten percent stained or discolored or if the paint is peeling over more than five percent of any surface.~~

~~(4) Broken or missing boards, posts, slats, or fittings shall be replaced immediately.~~

~~(5) Fences shall be maintained in a vertical configuration and shall not be allowed to lean.~~

~~(6) Rails and posts shall be structurally sound and not bent.~~

~~(7) Fabric, rails, posts, fitting, and gates that become more than ten percent discolored shall be cleaned or replaced.~~

~~(8) Chipped or broken walls shall be repaired immediately.~~

~~(9) Landscaping and barrier hedges shall be trimmed and maintained in a healthy and neat condition and shall not extend onto or over public properties, rights-of-way, or easements.~~

~~(d) Maintenance of construction sites. All construction sites are to be maintained in a clean and orderly condition throughout the construction process. In order to maintain this appearance, a dumpster or enclosure shall be located on site through the construction process. The dumpster or enclosure shall be emptied when it becomes full. All construction debris, material, trailers, and the like shall be contained within the boundaries of the construction site. Dumpsters/enclosures will not be required for additions or remodeling of single-family dwellings so long as debris does not become a nuisance.~~

~~(e) Landscaping.~~

- ~~(1) The owner or tenant shall maintain all landscaped areas, trees, and shrubs in a neat and healthy condition free of weeds, litter, diseased, dead, or bare areas.~~
- ~~(2) The owner or tenant shall maintain all landscaped areas in a manner consistent with the site plan or landscape plan approved for the property and consistent with the requirements of the ULDC.~~
- ~~(3) The owner shall maintain all public easements, swales and sodded portions of rights of way on or adjacent to their developed property in a clean, orderly and healthy condition including but not limited to, replacing and mowing sod when necessary, repairing bare areas, clearing weeds and removing litter. On double frontage lots, property owners are only required to maintain to their property line on the rear lot line.~~

~~(Ord. No. 2002-04, § 3, 3-19-02; Ord. No. 2003-11, § 1, 6-10-03; Ord. No. 2017-01, § 2, 4-25-17)~~

**Editor's note**—~~Ord. No. 2002-04, § 1, adopted Mar. 19, 2002 repealed § 36-22 and enacted a new § 36-22 as set out herein. The former § 36-22 pertained to similar subject matter and derived from Ord. No. 98-15, § 2, adopted July 28, 1998.~~

~~Sec. 36-23. Additional property maintenance standards for properties within the urban service area.~~

~~(a) *Applicability.* These regulations shall apply to all property within the urban service boundary of the village.~~

~~(b) *Solid waste.*~~

- ~~(1) All solid waste shall be stored in garbage cans or dumpsters which shall be maintained in a sanitary manner. Except as provided below, all garbage cans and recycling containers shall be kept indoors or in a portion of the rear or side yard that is screened from view by walls, fences, or hedges. All dumpsters shall be screened and located in a manner approved by the village.~~
- ~~(2) Garbage cans and other trash or recycling containers may be placed at the curb no earlier than 6:00 p.m. on the day prior to scheduled pick up and removed from the curb no later than 11:00 p.m. on the day of pick up.~~
- ~~(3) No owner or tenant shall permit the accumulation of litter, yard debris, or trash on any real property or the adjoining public right-of-way.~~
- ~~(4) Vegetative waste may be placed at the curb no earlier than 24 hours prior to scheduled pick up.~~

~~(c) *Prohibited acts.*~~

- ~~(1) Outdoor drying of clothes and outdoor clotheslines shall be prohibited in any yard or any portion of a yard that is visible from the street or from neighboring properties. Any rear or side yard utilized for this purpose must be screened by buildings, walls, fences, or hedges.~~
- ~~(2) Household items, maintenance equipment or supplies, or other articles not designed and intended as outdoor amenities shall be prohibited in any yard or any portion of a yard that is visible from the street.~~
- ~~(3) Portable basketball backboards and hoops are permitted in front yards provided that they are located no closer than 15 feet to the front property line and three feet from the side property line and provided they shall not exceed 14 feet in height measured from the grade level at the point on the front property line nearest to the pole, or provided they are removed and stored indoors when not in use.~~

~~(Ord. No. 2002-04, § 3, 3-19-02; Ord. No. 2002-24, § 1, 10-8-02)~~

~~Sec. 36-24.— Additional property maintenance standards for commercial property.~~

~~(a) — Applicability. These regulations shall apply to all commercial property within the village.~~

~~(b) — Regulations.~~

~~(1) — Signs which no longer advertise a business located on the premises shall be removed within ten days.~~

~~(2) — Signs and their structures shall be required to be maintained free of stains, mold, fading, peeling paint, discoloration, or deterioration.~~

~~(Ord. No. 2002-04, § 5, 3-19-02)~~

~~Secs. 36-25—36-29.— Reserved.~~

**Editor's note**—~~Ord. No. 2003-18, § 2, adopted Sept. 9, 2003, repealed § 36-25, which pertained to vehicle and parking regulations and derived from Ord. No. 98-15, § 2, adopted July 28, 1998; Ord. No. 2002-04, § 2, Mar. 19, 2002.~~

### ~~ARTICLE III.— NOISE STANDARDS~~

~~Sec. 36-30.— Purpose and intent.~~

~~The purpose and intent of this article is to eliminate and regulate sources and occurrences of noise, that interfere with the peaceful enjoyment of land or which are contrary to the public health, safety or welfare or constitute a nuisance to the public at large.~~

~~(Ord. No. 99-15, § 2, 8-10-99)~~

~~Sec. 36-31.— Applicability.~~

~~This article shall apply to all property within the Village of Wellington unless specifically exempted pursuant to section 36-32.~~

~~(Ord. No. 99-15, § 2, 8-10-99)~~

~~Sec. 36-32.— Exemptions.~~

~~The following shall be exempted from the standards of this section:~~

~~(1) — Sound emitted from the operation of motor vehicles legally operating on any public right-of-way, which are regulated by F.S. Ch. 316, the Uniform Traffic Control Law.~~

~~(2) — Any noise generated by activities to the extent such activities are preempted by applicable state or federal laws or regulations.~~

~~(3) — Any noise generated as a result of emergency work, as a danger-warning device, or for the purpose of alerting persons to the existence of any emergency.~~

~~(4) — Any noise generated by any government sanctioned activity conducted on public land.~~

~~(5) — Any noise generated within any public right-of-way, including parades, when appropriately sanctioned by the governing body.~~

~~(6) — Non-amplified crowd noises at sporting events.~~

- ~~(7) Sound emitted from the operation of equipment associated with maintenance of public or private golf courses when the equipment is utilized in the normal operation and operating hours of a golf course, provided the equipment is used only between the hours of 6:00 a.m. and 7:00 p.m. daily. All construction activities, including machinery and equipment such as chain saws, are not included within the exemption provided herein.~~

~~(Ord. No. 99-15, § 2, 8-10-99; Ord. No. 2009-01, § 1, 6-23-2009)~~

~~Sec. 36-33. Specific prohibitions.~~

~~The following activities shall be prohibited:~~

- ~~(1) *Horns, signaling devices.* The sounding of any horn or audible signal device of any motor vehicle, boat, train, engine, machine or stationary boiler of any kind except as required by law or as a warning. The sounding of any warning device for an unnecessary or unreasonable period of time is also prohibited.~~
- ~~(2) *Public streets and parks.* The operating or playing of any radio, television, phonograph, musical instrument or similar device on the public rights-of-way or in public parks in a manner as to be plainly audible at a distance of 100 feet from the sound source at any time.~~
- ~~(3) *Loud speakers and sound amplifiers.* The using or operating of any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument or other similar device within or adjacent to inhabited residential land such that the sound therefrom is plainly audible across the property line of the inhabited residential land at any time. This section shall not apply to any special events, such as parades, festivals or sporting events, but shall apply to lounges, restaurants, or nightclubs.~~
- ~~(4) *Street sales advertising.* The use or operation of any loudspeaker, sound amplifier or musical instrument which produces or reproduces sound which is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public to any particular building, structure or place when such sound that is emitted is plainly audible across the land line of any inhabited residential land.~~
- ~~(5) *Machinery and construction work.* The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tools, equipment of semi-mechanical devices or undertaking construction work which emits sound across the land line of an inhabited residential land between the hours of 10:00 p.m. and 7:00 a.m., Monday through Saturday. All major construction work, including grading and site preparation, assembly, erection, substantial repair, alteration or demolition of a building or structure is prohibited anytime on Sunday. This shall not prohibit individuals from performing home repair or maintenance, between the hours of 9:00 a.m. and 6:00 p.m. on Sunday nor shall it prohibit the use of pumps or machinery which, because of its very nature and purpose, is required to be operated 24 hours a day.~~
- ~~(6) *Lawn equipment.* The operation of lawn and garden equipment that emits sound across a property line to inhabited residential land except between the hours of 7:00 a.m. and 10:00 p.m. daily and between the hours of 9:00 a.m. and 6:00 p.m. on Sundays.~~

~~(Ord. No. 99-15, § 2, 8-10-99)~~

~~Sec. 36-34. General prohibitions.~~

~~No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table A for inhabited residential and commercial land more than ten percent of any measurement period, which period shall not be less than ten minutes when measured at or within the boundary of the complaining landowner. For the purpose of this section, inhabited shall mean regularly occupied by the complainant and occupied at the~~

~~time of complaint. Sound level measurement shall be made with a Type 2 or equivalent sound level meter using the A-weighting scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner.~~

~~Table A  
Prohibited Sound Levels~~

<del>Receiving Land</del>	<del>Noise Source</del>	<del>Time of Day</del>	<del>Sound Level Limit</del>
<del>Residential</del>	<del>Fixed mechanical equipment</del>	<del>Any time 7:00 a.m. to 8:00 p.m.</del>	<del>60 dBA 60 dBA</del>
<del>Residential</del>	<del>All other sources</del>	<del>8:00 p.m. to 11:00 p.m. 11:00 p.m. to 7:00 a.m.</del>	<del>55 dBA 50 dBA</del>
<del>Commercial</del>	<del>All sources</del>	<del>Any time</del>	<del>70 dBA</del>

~~-~~

~~(Ord. No. 99-15, § 2, 8-10-99)~~

~~Secs. 36-35—36-39. Reserved.~~

#### ~~ARTICLE IV.—SEXUAL OFFENDERS AND SEXUAL PREDATORS~~

~~Sec. 36-40.—Definitions.~~

~~The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:~~

- ~~(a)—"Convicted" is defined as determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.~~
- ~~(b)—"Educational institution" is defined as premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes or courses of study required for accreditation by or membership in the State Department of Education of Florida, Southern Association of Colleges and Secondary Schools, or the Florida Council of Independent Schools. The term "educational institution" includes a premises or site upon which there is a daycare center, nursery school, kindergarten, elementary school, junior high school, senior high school; professional institution or an institution of higher education, including a community college, junior college, or four-year college or university; libraries, art galleries and museums open to the public;~~

or any special institution of learning. However, the term "educational institution" does not include a premises or site upon which there is a vocational institution operated for commercial gain.

- ~~(c) "Park" is defined as those areas designed for diversified recreational and passive use by large numbers of people throughout the village; and any public park, recreation or playground area, or building or facility thereon, within the Village of Wellington owned and maintained as a public park, whether or not such areas have been formally dedicated to such purpose and any private recreation or playground area within a development that is designated in whole or in part for use by the children residing within that development.~~
- ~~(d) "Permanent residence" is defined as a place where the person abides lodges or resides for 14 or more consecutive days.~~
- ~~(e) "Sexual offender" is defined herein by the criteria/designation/registration set forth in F.S. § 943.0435.~~
- ~~(f) "Sexual predator" is defined herein by the criteria/designation/registration set forth in F.S. § 775.21.~~
- ~~(g) "Temporary shelter" is defined as any public or private building or facility which is offered to individuals and families who are homeless or evacuate their homes or a hotel, motel, or other place of temporary residence as a result of any storm, flood, hurricane, tornado, explosion, fire, or other incident of any nature as a place to reside, rest, sleep, or eat.~~
- ~~(h) "Temporary residence" is defined as a place where the person abides lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides lodges or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.~~
- ~~(i) "Within 2,500 feet" means a distance that shall be measured in a straight line from the outer boundary of the real property upon which the residential dwelling unit of the restricted sex offender is located. The distance may not be measured by a pedestrian route or automobile route, but instead shall be measured as the shortest straight line between the two points without regard to any intervening structures or objects. Without otherwise limiting the foregoing measurement instructions, under those circumstances in which the residential dwelling unit of the restricted sex offender is within a cooperative, condominium, or apartment building, the parcel of real property described in this paragraph shall consist of the parcel or parcels of real property upon which the cooperative, condominium, or apartment building that contains the residential dwelling unit of the restricted sex offender is located.~~

(Ord. No. 2006-03, § 2, 2-14-06)

~~Sec. 36-41. Temporary emergency shelter; sexual predators and offenders notification requirements.~~

- ~~(a) Any person who is required by Florida law to register with law enforcement as a sexual predator or sexual offender and who utilizes or intends to utilize a temporary shelter provided by any public or private entity and established as a result of any emergency or incident or threatened emergency or incident shall, immediately upon entering the shelter, notify the individual or individuals operating the shelter that he or she is a registered sexual predator or sexual offender. The sexual predator or sexual offender shall be assigned to a temporary shelter specifically designated for use by sexual predators and sexual offenders.~~
- ~~(b) The sheriff may designate a public building or a jail or other correctional facility, within his or her authority, as a temporary shelter to be utilized by sexual predators and sexual offenders.~~
- ~~(c) Penalties. The village may pursue any enforcement action or legal remedy available under controlling state law and any legal remedy available to the village to include, but not be limited to, a fine not~~

~~exceeding \$500.00 unless otherwise authorized by state law or by imprisonment for a term not exceeding 60 days unless otherwise authorized by state law, or by both such fine and imprisonment.~~

~~(Ord. No. 2006-03, § 2, 2-14-06)~~

~~Sec. 36-42. Sexual offender and sexual predator residence prohibition; penalties; exceptions.~~

- ~~(a) It shall be a violation of this Code for any person who is required by Florida law to register as a sexual predator or sexual offender, to establish a permanent residence or temporary residence within 2,500 feet of any educational institution, designated public school bus stop, private school bus stop designated by a private school servicing Wellington residents or park. This prohibition shall apply to individuals who are required by law within any state of the United States or any foreign nation to register as a sexual predator or sexual offender or has been convicted of an equivalent offense to F.S. §§ 794.011, 800.04, 827.071, or 847.0145.~~
- ~~(b) *Penalties.* The village may pursue any enforcement action or legal remedy available under controlling state law and any legal remedy available to the village to include, but not be limited to, a fine not exceeding \$500.00 unless otherwise authorized by state law or by imprisonment for a term not exceeding 60 days unless otherwise authorized by state law, or by both such fine and imprisonment.~~
- ~~(c) *Exceptions.* A sexual offender or sexual predator residing within 2,500 feet of any educational institution, designated public school bus stop, or park does not commit a violation of this section if any of the following apply:
  - ~~(i) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Florida Law, prior to the effective date of this article.~~
  - ~~(ii) The person was a minor when he/she committed the offense and was not adjudicated as an adult.~~
  - ~~(iii) The person is a minor, unless the minor was adjudicated as an adult.~~
  - ~~(iv) The educational institution, designated public school bus stop, or park within 2,500 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Florida Law.~~~~

~~(Ord. No. 2006-03, § 2, 2-14-06)~~

~~Sec. 36-43. Property owners prohibited from renting real property to certain sexual offenders and sexual predators; penalties.~~

- ~~(a) It shall be a violation of the Village Code for a landlord or owner of residential property in the village to let or rent a residence to any person prohibited from establishing such permanent residence or temporary residence pursuant to section 36-41 above, if such residence is located within 2,500 feet of any educational institution, designated public school bus stop, or park.~~
- ~~(b) A property owner's failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the property owner to the code enforcement provisions and procedures as provided in chapter 2, article IV of this Code.~~
- ~~(c) *Defenses.* A landlord shall not be liable under the provisions of this section if they can demonstrate they made a good faith effort to ascertain whether the proposed tenant or any persons who will reside with the tenant are prohibited from establishing residence pursuant to section 36-41. If the landlord receives an affidavit from the tenant, that the people who reside with them are not on the list and the landlord checks the registration list based on the identifications of tenants and residents proposed to be living in the rental unit, to conform, the persons are not on the list. Receipt of such affidavit and efforts of confirmation shall demonstrate that a landlord has exercised good faith in ascertaining~~

~~whether they were renting to a sexual predator or sexual offender, even if it is ultimately determined that a sexual predator or sexual offender did reside in their rental unit.~~

~~(Ord. No. 2006-03, § 2, 2-14-06)~~

~~Sec. 36-44.—Application of ordinance/existing contracts.~~

~~The provisions of this article shall not be applied to persons residing at a prohibited location on the effective date of this article such that it is not the intent of this article to impair valid, existing and bona fide contract rights; provided, however, that the provisions of this article shall apply upon termination of any leasehold relationship arising from a landlord tenant relationship or the expiration of a lease. When a person who is the subject of this article changes residences, this article shall fully apply to such persons.~~

~~(Ord. No. 2006-03, § 2, 2-14-06)~~

#### ~~ARTICLE V.—PROHIBITION OF CONVERSION THERAPY ON MINORS~~

~~Sec. 36-45.—Intent.~~

~~The intent of this article is to protect the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by licensed providers, including but not limited to licensed therapists. These provisions are exercises of police power of the village for the public safety, health, and welfare; and its provisions shall be liberally construed to accomplish that purpose.~~

~~(Ord. No. 2017-10, § 1, 6-27-17)~~

~~Sec. 36-46.—Definitions.~~

- ~~(a) —"Conversion therapy" or "reparative therapy" is defined, interchangeably, as any counseling, practice or treatment performed with the goal of changing an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex. Conversion therapy does not include counseling that provides support and assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.~~
- ~~(b) —"Minor" is defined as any person less than 18 years of age.~~
- ~~(c) —"Provider" means any person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under Chapters 456, 458, 459, 490, or 491 of the Florida Statutes, as such chapters may be amended, including but limited to, medical practitioners, osteopathic practitioners, psychologists, psychotherapists, social workers, marriage and family therapists, and licensed counselors. A provider does not include members of clergy who are acting in their roles as clergy or pastoral counselors and providing religious counseling to congregants, as long as they do not hold themselves as operating pursuant to any of the aforementioned Florida statutory licenses.~~

~~(Ord. No. 2017-10, § 1, 6-27-17)~~

~~Sec. 36-47.— Conversion therapy prohibited.~~

~~It shall be unlawful for any provider to practice conversion therapy efforts on any individual who is a minor, regardless of whether the provider receives monetary compensation in exchange for services.~~

~~(Ord. No. 2017-10, § 1, 6-27-17)~~

~~Sec. 36-48.— Enforcement and civil penalties.~~

~~(a) Enforcement of this article shall be done pursuant to Article IV, Division 1 of Wellington's Code of Ordinances.~~

~~(b) The violation of any provision of this article shall be punishable by a fine of \$250.00 for the first violation and \$500.00 for each repeat violation. Each day any violation of section 36-47 occurs shall constitute a separate offense. These penalties shall not preclude any other remedies available at law or in equity, including, injunctive relief, in the circuit court.~~

~~(Ord. No. 2017-10, § 1, 6-27-17)~~

Chapter 13- OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - PROPERTY MAINTENANCE

Sec. 13-1. - Definitions.

The following words and terms, when used in this article, have the meanings specified herein:

Bulk Trash is as defined in Chapter 17 of this Code.

Container is as defined in Chapter 17 of this Code.

Developed Property means any real property upon which alteration to support a specific land use other than farming has occurred; or a structure, paving or other improvement has been erected or installed. Overhead, underground and other public or franchised utility installations shall not be considered improvements for the purposes of this definition.

Driveway Apron means that portion of the driveway or parking area starting at the curb and progressing to the edge of the right-of-way.

Landscaped Areas means outdoor area, required to consist of or consisting of any of the following or combination thereof, grass, ground covers, shrubs, vines, hedges, trees or palms; and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls or fences but excluding paving.

Litter means rubbish and all other solid waste material which, if accumulated, thrown or deposited as herein prohibited, creates a danger to public health, safety and welfare, creates a nesting, breeding or feeding ground for vermin, creates blight, or is detrimental to the aesthetic appearance of Wellington

Native Vegetation means any plant species with a geographic distribution indigenous to all or part of Wellington.

Recycling Container is as defined in Chapter 17 of this Code.

Rubbish means solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper, plastics, wrappings, cigarettes, cardboard and tin cans.

Sidewalk is as defined is Chapter 20 of this Code.

Solid Waste is as defined in Chapter 17 of this Code.

Swale is as defined in Chapter 20 of this Code.

Trash is as defined in Chapter 17 of this Code.

Vegetative Waste is as defined in Chapter 17 of this Code.

Yard means a space open and unobstructed from the ground to the sky, except by permitted encroachments on the same lot with a structure or use.

Yard, Front means an area extending across the full width of the lot between the front lot line and the nearest line of any building on the lot.

Yard, Rear means an area extending across the full width of the lot between the rear lot line and nearest line of the main building.

Yard, Side means an area extending from the front lot line to the rear lot line, between the side lot line and the nearest line of any building on the lot.

#### Sec. 13-2 - Property Maintenance Standards—General.

(a) Applicability. These regulations shall apply to all property within Wellington. The owner, tenant or other responsible party of all real properties, unless otherwise stated, shall maintain the exterior portions of the property in such a manner so as to conform to all Wellington codes and ordinances.

(b) General Regulations.

(1) All principal and accessory buildings and structures and their appurtenances shall be maintained free of litter, debris, stains, mold, discoloration, or deterioration.

(2) All driveways, sidewalks, and parking areas shall be maintained free of litter, debris, stains, mold, discoloration, or deterioration.

(3) The coloring or coating of sidewalks and/or driveway aprons within public rights-of-way with any type of paint, stain, sealant or similar material is prohibited. The painting, staining or sealing of driveways and/or walkways on private property may be permitted; as regulated by the Land Development Regulations.

(4) The property owner shall maintain all public easements, swales and sodded portions of rights-of-way on or adjacent to their developed property in a clean, orderly and healthy condition including, but not limited to, mowing and replacing sod when necessary, repairing bare areas, clearing weeds, and removing litter. On double frontage lots, property owners are only required to maintain to the property line on the rear lot line.

(5) Flags and flagpoles shall be maintained free of debris, stains, mold, discoloration, and deterioration.

(6) All dumpsters shall be screened and located in a manner approved by Wellington. The dumpster and the area surrounding it shall be maintained free of litter, debris, stains, mold, discoloration, and deterioration.

(c) Fence and Wall Maintenance.

(1) Fences and walls shall be maintained in good order and repair and shall be subject to the standards enumerated within this section.

(2) Painted surfaces shall not be faded and shall be free of discoloration, staining, or peeling. Other surfaces shall not be faded, discolored, stained, peeling, chipped, or broken.

(3) Surfaces shall be cleaned or repainted when any surface is more than 10 percent stained or discolored or if the paint is peeling over more than five percent of any surface.

(4) Broken or missing boards, posts, slats, or fittings shall be replaced immediately.

(5) Fences shall be maintained in a vertical configuration and shall not be allowed to lean.

(6) Rails and posts shall be structurally sound and not bent.

(7) Fabric, rails, posts, fitting, and gates that become more than 10 percent discolored shall be cleaned or replaced.

(8) Chipped or broken walls shall be repaired immediately.

(9) Landscaping and barrier hedges shall be trimmed and maintained in a healthy and neat condition and shall not extend onto or over public properties, rights-of-way, or easements.

Sec. 13-3 - Additional Property Maintenance Standards.

(a) *Applicability.* These regulations shall apply to all property within the municipal boundaries of Wellington.

(b) *Solid Waste.*

(1) All solid waste shall be stored in garbage cans or dumpsters, which shall be maintained in a sanitary manner. Except as provided below, all garbage cans and recycling containers shall be kept indoors or in a portion of the rear or side yard that is screened from view by walls, fences, or hedges. All dumpsters shall be screened and located in a manner approved by Wellington.

(2) Garbage cans and other trash or recycling containers may be placed at the curb no earlier than 6:00 p.m. on the day prior to scheduled pick up and shall be removed from the curb no later than 11:00 p.m. on the day of pick up.

(3) No owner or tenant shall permit the accumulation of litter, yard debris, or trash on any real property or the adjoining public right-of-way.

(4) Vegetative waste and bulk trash may be placed at the curb no earlier than 24 hours prior to scheduled pick up.

(5) Garbage, vegetation and recycling containers, vegetative waste and/or bulk trash shall be placed at the curb for collection only within the boundaries of the originating property, and shall not be placed upon any roadway surface or right-of-way area in a way that impedes pedestrian or vehicular traffic flow or safety.

(c) *Prohibited Acts.*

(1) Outdoor drying of clothes and outdoor clotheslines shall be prohibited in any yard or any portion of a yard that is visible from the street or from neighboring properties. Any rear or side yard utilized for this purpose must be screened by buildings, walls, fences, or hedges.

(2) Household items, maintenance equipment or supplies, or other articles not designed and intended as outdoor amenities shall be prohibited in any yard or any portion of a yard that is visible from the street.

(3) Portable basketball backboards and hoops are permitted in front yards provided that they are located no closer than 15 feet to the front property line and three feet from the side property line and provided they shall not exceed 14 feet in height measured from the grade level at the point on the front property line nearest to the pole, or provided they are removed and stored indoors when not in use.

(d) *Solid Waste Generation and Collection During Storm Events*

(1) All pre-storm season vegetation trimming shall be completed each year prior to April 30<sup>th</sup>. Wellington finds that pre-storm season trimming reduces storm debris and damage and protects the health, safety and welfare of residents and property owners within Wellington.

(2) Once any portion of Wellington has been placed under a hurricane or tropical storm watch or warning by the National Hurricane Center of the National Oceanic and Atmospheric Association (NOAA) the following solid waste regulations shall be enforced:

a. Trash containers, vegetation containers, recycling containers vegetative waste and/or bulk trash shall not be placed at the curb on a non-collection day or allowed to accumulate on any property.

b. Upon cessation of solid waste collection by Wellington and/or its franchised collection service provider due to an impending storm event:

i. It shall be the property owner's responsibility to remove or secure trash, vegetation and recycling containers from outdoor areas so as not to impose a potential hazard to the surrounding area during the storm event.

ii. It shall be the property owner's responsibility to remove or secure any remaining bulk or other waste material remaining on the property in a manner as not to impose a hazard to the surrounding area.

## ARTICLE II. - NOISE STANDARDS

### Sec. 13--4 - Purpose and Intent.

The purpose and intent of this article is to eliminate and regulate sources and occurrences of noise that interfere with the peaceful enjoyment of land or that are contrary to the public health, safety or welfare, or that constitute a nuisance to the public at-large.

### Sec. 13-5 - Applicability.

This article shall apply to all property within Wellington unless specifically exempted herein.

### Sec. 13-6 - Exemptions.

The following shall be exempted from the standards of this section:

- (1) Sound emitted from the operation of motor vehicles legally operating on any public right-of-way, which are regulated by F.S. Ch. 316, the Uniform Traffic Control Law.
- (2) Any noise generated by activities to the extent such activities are preempted from municipal regulation by applicable state or federal laws or regulations.
- (3) Any noise generated as a result of emergency work, as a danger-warning device, or for the purpose of alerting persons to the existence of any emergency.
- (4) Any noise generated by any government authorized activity conducted on public land.
- (5) Any noise generated within any public right-of-way, including parades, when appropriately authorized by the governing body.
- (6) Non-amplified crowd noises at sporting events.
- (7) Sound emitted from the operation of equipment associated with maintenance of public or private golf courses when the equipment is utilized in the normal operation and operating hours of a golf course, provided the equipment is used only between the hours of 6:00 a.m. and 7:00 p.m. daily. All construction activities, including machinery and equipment such as chain saws, are not included within the exemption provided herein.

### Sec. 13-7 - Specific Prohibitions.

The following activities are prohibited:

- (1) *Horns, Signaling Devices.* The sounding of any horn or audible signal device of any motor vehicle, boat, engine, machine or stationary boiler of any kind except as required by law or as a warning. The sounding of any warning device for an unnecessary or unreasonable period of time is also prohibited.
- (2) *Public streets and parks.* The operating or playing of any radio, television, phonograph, musical instrument or similar device on the public rights-of-way or in public parks in a manner as to be

plainly audible at a distance of 100 feet from the sound source at any time, except as may be exempted by this chapter.

- (3) *Loud Speakers and Sound Amplifiers.* The using or operating of any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument or other similar device within or adjacent to inhabited residential land such that the sound therefrom is plainly audible across the property line of the inhabited residential land at any time. This section shall not apply to any special events, such as parades, festivals or sporting events, but shall apply to lounges, restaurants, and nightclubs.
- (4) *Street Sales Advertising.* The use or operation of any loudspeaker, sound amplifier or musical instrument that produces or reproduces sound that is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public to any particular building, structure or place when such sound that is emitted is plainly audible across the land line of any inhabited residential land.
- (5) *Machinery and Construction Work.* The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tools, equipment of semi-mechanical devices or undertaking construction work that emits sound across the land line of an inhabited residential land between the hours of 10:00 p.m. and 7:00 a.m., Monday through Saturday. All major construction work, including grading and site preparation, assembly, erection, substantial repair, alteration or demolition of a building or structure is prohibited anytime on Sunday. This shall not prohibit individuals from performing home repair or maintenance, between the hours of 9:00 a.m. and 6:00 p.m. on Sunday nor shall it prohibit the use of pumps or machinery which, because of its very nature and purpose, is required to be operated 24 hours a day.
- (6) *Lawn Equipment.* The operation of lawn and garden equipment that emits sound across a property line to inhabited residential land except between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 6:00 p.m. on Sundays.

#### Sec. 13-8 - General Prohibitions.

No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level that exceeds the limits set forth in Table A for inhabited residential and commercial land by more than 10 percent of any measurement period, which period shall not be less than ten minutes when measured at or within the boundary of the complaining landowner. For the purpose of this section, inhabited shall mean regularly occupied by the complainant and occupied at the time of complaint. Sound level measurement shall be made with a Type 2 or equivalent sound level meter using the A-weighting scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner.

Table A  
Prohibited Sound Levels

<u>Receiving Land</u>	<u>Noise Source</u>	<u>Time of Day</u>	<u>Sound Level Limit</u>
<u>Residential</u>	<u>Fixed mechanical equipment</u>	<u>Any time</u>	<u>60 dBA</u> <u>60 dBA</u>
<u>Residential</u>	<u>All other sources</u>	<u>8:00 p.m. to 11:00 p.m.</u> <u>11:00 p.m. to 7:00 a.m.</u>	<u>55 dBA</u> <u>50 dBA</u>

<a href="#">Commercial</a>	<a href="#">All sources</a>	<a href="#">Any time</a>	<a href="#">70 dBA</a>
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### ARTICLE III. - SEXUAL OFFENDERS AND SEXUAL PREDATORS

#### Sec. .13-9 - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

- (a) "Child care facility" has the same meaning as provided in F.S. § 402.302.
- (b) "Convicted" means a determination of guilt that is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.
- (c) "Park" means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.
- (d) "Permanent residence" means a place where the person abides, lodges, or resides for 14 or more consecutive days.
- (e) "Playground" means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.
- (f) "School" has the same meaning as provided in F.S. Sec. 1003.01 and includes a private school as defined in F.S. Sec. 1002.01, a voluntary prekindergarten educational program as described in F.S. Sec.1002.53(3), and a public school as defined in F.S. Sec.402.3025(1) but does not include facilities dedicated exclusively to the education of adults.
- (g) "Sexual offender" has the same meaning as provided in F.S. § 943.0435.
- (h) "Sexual predator" has the same meaning as provided in F.S. § 775.21.
- (i) "Temporary shelter" means any public or private building or facility that is offered to individuals and families who are homeless or who evacuate their homes or a hotel, motel, or other place of temporary residence offered as a result of any storm, flood, hurricane, tornado, explosion, fire, or other incident of any nature as a place to reside, rest, sleep, or eat.
- (j) "Temporary residence" means a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.
- (k) "Within 2,500 feet" means a distance that shall be measured in a straight line from the outer boundary of the real property upon which the residential dwelling unit of the restricted sexual offender or sexual predator is located. The distance may not be measured by a pedestrian route or automobile route, but instead shall be measured as the shortest straight line between the two points without regard to any intervening structures or objects. Without otherwise limiting the foregoing measurement instructions, under those circumstances in which the residential dwelling unit of the restricted sexual offender or sexual predator is within a cooperative, condominium, or apartment building, the parcel of real property described in this paragraph shall consist of the parcel or parcels of real property upon which the cooperative, condominium, or apartment building that contains the residential dwelling unit of the restricted sexual offender or sexual predator is located.

Sec. 13-10 - Sexual Offender and Sexual Predator Residence Prohibition; Enforcement; Exceptions.

- (a) It is a violation of this Code for any person who is required by Florida law to register as a sexual predator or sexual offender, to establish a permanent residence or temporary residence within 2,500 feet of any school, child care facility, park, or playground. This prohibition shall apply to individuals who are required by law within any state of the United States or any foreign nation to register as a sexual predator or sexual offender or who have been convicted of an equivalent offense to F.S. §§ 794.011, 800.04, 827.071, 847.0135(5), or 847.0145.
- (b) *Enforcement.* Wellington may pursue any enforcement action or legal remedy available under controlling state law to include, but not be limited to, a fine not exceeding \$500.00 unless otherwise authorized by state law or by imprisonment for a term not exceeding 60 days unless otherwise authorized by state law, or by both such fine and imprisonment.
- (c) *Exceptions.* A sexual offender or sexual predator residing within 2,500 feet of any school, child care facility, park, or playground does not commit a violation of this section if any of the following apply:
  - (i) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Florida Law, prior to February 14, 2006.
  - (ii) The person was a minor when they committed the offense and was not adjudicated as an adult.
  - (iii) The person is a minor; or
  - (iv) The school, child care facility, park, or playground within 2,500 feet of the person's permanent or temporary residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Florida Law.

Sec. 13-11 - Property Owners Prohibited From Renting Real Property to Certain Sexual Offenders and Sexual Predators; Enforcement; Defenses

- (a) It is a violation of this Code for an owner of residential property in Wellington to let or rent a residence to any person prohibited from establishing such residence pursuant to this article.
- (b) *Enforcement.* An owner's failure to comply with provisions of this section shall subject the property owner to the code enforcement provisions and procedures as provided in chapter 2, article IV of this Code.
- (c) *Defenses.* An owner shall not be liable under the provisions of this section if they can demonstrate they made a good faith effort to ascertain whether the proposed tenant or other persons who will reside with the tenant are prohibited from establishing such residence pursuant to section 13-11. An owner may demonstrate such good faith by:
  - (i) Obtaining an affidavit from the prospective tenant stating that the tenant and all people who will reside with them are not prohibited from establishing such residence pursuant to this article; and
  - (ii) Executing an affidavit stating that the owner has conducted a nationwide search on the United States Department of Justice National Sex Offender Public Website to confirm that the prospective tenant and all persons who will reside with them are not a registered sexual offender or sexual predator.

Sec. 13-12 - Application of Ordinance/Existing Contracts.

The provisions of this article shall not be applied to persons residing at a prohibited location prior to February 14, 2006. It is not the intent of this article to impair valid, existing and bona fide contract rights; provided, however, that the provisions of this article shall apply upon termination of any leasehold relationship arising from a landlord tenant relationship or the expiration of a lease. When a person who is the subject of this article changes residences, this article shall fully apply to such persons.

## ARTICLE IV. - PROHIBITION OF CONVERSION THERAPY ON MINORS

### Sec. 13-13 - Intent.

The intent of this article is to protect the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by licensed providers, including but not limited to licensed therapists. These provisions are exercises of police power of the village for the public safety, health, and welfare; and its provisions shall be liberally construed to accomplish that purpose.

### Sec. 13-14 - Definitions.

- (a) "Conversion therapy" or "reparative therapy" is defined, interchangeably, as any counseling, practice or treatment performed with the goal of changing an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex. Conversion therapy does not include counseling that provides support and assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.
- (b) "Minor" is defined as any person less than 18 years of age.
- (c) "Provider" means any person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under Chapters 456, 458, 459, 490, or 491 of the Florida Statutes, as such chapters may be amended, including but limited to, medical practitioners, osteopathic practitioners, psychologists, psychotherapists, social workers, marriage and family therapists, and licensed counselors. A provider does not include members of clergy who are acting in their roles as clergy or pastoral counselors and providing religious counseling to congregants, as long as they do not hold themselves as operating pursuant to any of the aforementioned Florida statutory licenses.

### Sec. 13-15 - Conversion Therapy Prohibited.

It shall be unlawful for any provider to practice conversion therapy efforts on any individual who is a minor, regardless of whether the provider receives monetary compensation in exchange for services.

### Sec. 13-16 - Enforcement and Civil Penalties.

- (a) Enforcement of this article shall be done pursuant to Article IV, Division 1 of Wellington's Code of Ordinances.
- (b) The violation of any provision of this article shall be punishable by a fine of \$250.00 for the first violation and \$500.00 for each repeat violation. Each day any violation of section 36-47 occurs shall constitute a separate offense. These penalties shall not preclude any other remedies available at law or in equity, including, injunctive relief, in the circuit court.

## Article V- PROHIBITION OF THE SALE AND USE OF FIREWORKS

### Sec. 13-17- Intent.

The intent of this article is to protect the health and safety of horses and other livestock quartered within the Equestrian Preserve Area of Wellington from the adverse effects caused by the recreational use of fireworks.

Sec. 13-18 – Sale and Use of Fireworks in the Equestrian Preserve Area Prohibited.

Notwithstanding the provisions of F.S. §§ 791.001 and 791.08, the sale and use of fireworks within the Equestrian Preserve Area of Wellington are prohibited on all days of the year, except as may be authorized through the issuance of a special permit, as provided in House Bill 979 (2021).