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**ORDINANCE NO. 2014-11**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL; AMENDING WELLINGTON CODE OF ORDINANCE CHAPTER 2, "ADMINISTRATION", ARTICLE IV, "CODE ENFORCEMENT", DIVISION 1 "GENERALLY" AND DIVISION 2, "SUPPLEMENTAL CODE THROUGH CITATIONS", TO REFLECT REVISIONS OF VIOLATIONS; TO REINSTATE OMITTED CODE SECTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, this Ordinance is enacted pursuant to Article VIII of the Florida Constitution, Chapter 166, Florida Statutes, Wellington's Charter, and the police power of the Municipality; and

**WHEREAS**, Wellington is aware of and understands that efficient and stringent enforcement of the Village's Codes and Ordinances has positive impacts on community health, safety and welfare and overall quality of life including property values; and

**WHEREAS**, Chapter 2 Article IV, "Code Enforcement" was enacted to promote, protect, and improve the health, safety, and welfare of the citizens of Wellington by providing an equitable, expeditious, effective, and inexpensive method of enforcing Wellington's Code of Ordinances and Land Development Regulations. Division 2, "Supplemental Code Enforcement Procedures: Enforcement Through Citations" was enacted to provide an additional tool in the enforcement of Wellington's Code of Ordinances; and

**WHEREAS**, the Florida Supreme Court has determined that state law preempts a municipality's "super priority" code enforcement ordinances and it is therefore appropriate to amend Wellington Code Section 2-199 (b) to reflect the Court decision; and

**WHEREAS**, Wellington desires to Amend its code to reflect the change of title from "Special Master" to "Special Magistrate."; and

**WHEREAS**, the current "Violations and Penalties" section of the Citation Code does not reflect the revised code sections enacted with the adoption of the current Land Development Regulations and Codes of Ordinances; and

**WHEREAS**, code section 2-201, "Service of notice; methods" does not reflect amendments to FS 162.12 "Notices".

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

**SECTION 1.** The above recitals are true and correct and by this reference are incorporated herein and made an integral part hereof.

**SECTION 2.** Chapter 2, Article IV "CODE ENFORCEMENT" is hereby amended to read as follows:

1 **Sec. 2-192. Definitions.**  
2

3 The following words, terms and phrases, when used in this article, shall have the meanings  
4 ascribed to them in this section, except where the context clearly indicates a different meaning:  
5

6 *Code enforcement clerk* means any employee of the village so designated by the manager.

7 *Code inspector* means those authorized agents or employees of the village whose duty it is  
8 to assure code compliance.  
9

10 *Enforcement board* or *board* means the village code enforcement board that was in  
11 existence prior to June 11, 2006.  
12

13 *Repeat violation* means a violation of a provision of a code or ordinance by a person who  
14 has been previously found through the enforcement board or special magistrate or any other  
15 quasi-judicial or judicial process to have violated or has admitted violating the same provision  
16 within five years prior to the violation, notwithstanding, the violations occur at different locations.  
17

18 *Special magistrate* means a person who is a member in good standing with the Florida Bar  
19 appointed by the village council and authorized to hear and decide cases involving code  
20 violations.  
21

22 *Village attorney* means the legal counselor for the village.  
23

24 (Ord. No. 96-19, § 2, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
25 06)

26 **Cross reference**— Definitions generally, § 1-2.

27 **State law reference**— Definitions, F.S. § 162.04.  
28

29 **Sec. 2-193. Ex parte communications.**  
30

31 No ex parte communication relative to the merits of any pending action, threat, or offer of  
32 reward shall be made to the special magistrate by any employee of the village, or any party to  
33 the proceeding, or any person who directly or indirectly would have a material interest in such  
34 an action pending before the special magistrate, or the authorized representative or counsel of  
35 any such party.

36 (Ord. No. 96-19, § 3, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
37 06)  
38

39 **Sec. 2-194. Village attorney's legal capacity for service.**  
40

41 The village attorney may act as prosecutor for the village in cases brought before the  
42 special magistrate.

43 (Ord. No. 96-19, § 7, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
44 06)

45 **State law reference**— Similar provisions, F.S. § 162.05(5).  
46

47 **Sec. 2-195. Waiver of right to hearing; consent to fine.**  
48

49 The alleged violator may, if he so elects, waive his right to a hearing and consent to the  
50 imposition of a fine after a stated period of time in which to comply. The waiver shall be in

1 writing on a form provided by the village, signed by all violators named in the notice of violation  
2 and witnessed.

3 (Ord. No. 96-19, § 11, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
4 06)

5  
6 **Sec. 2-196. Duties of code inspector.**

7  
8 (a) *Enforcement proceedings; initiation.* It shall be the duty of the code inspector to initiate  
9 enforcement proceedings of the various codes. No special magistrate shall have the power  
10 to initiate such enforcement proceedings.

11  
12 (b) *Notice of violation; time for correction.* If a violation of a code is found, the code inspector  
13 shall notify the violator, unless subsection (c) or (d) of this section applies, and give the  
14 violator a reasonable time to correct the violation. Should the violation continue beyond the  
15 time specified for correction, the code inspector shall notify the special magistrate and  
16 request a hearing pursuant to the procedure set forth in this section. Notice shall be served  
17 upon the violator as provided in this article. If the violation is corrected and then recurs, or if  
18 the violation is not corrected by the time specified for the correction by the code inspector,  
19 the case may be presented to the special magistrate even if the violation has been  
20 corrected prior to the hearing, and the notice shall so state.

21  
22 (c) *Action on violations posing threat to public or irreparable by nature.* If the code inspector  
23 has reason to believe a violation or the condition causing the violation presents a serious  
24 threat to the public health, safety or welfare, or if the violation is irreparable or irreversible in  
25 nature, the code inspector shall make a reasonable effort to notify the violator and may  
26 immediately notify the special magistrate and request a hearing.

27  
28 (d) *Repeat violators.* If a repeat violation is found, the code inspector shall notify the violator but  
29 is not required to give the violator a reasonable time to correct the violation. The code  
30 inspector, upon notifying the violator of a repeat violation, shall notify the special magistrate  
31 and request a hearing. The special magistrate, through their clerical staff, shall schedule a  
32 hearing and shall provide notice as set forth in this article. The case may be presented to  
33 the special magistrate even if the repeat violation has been corrected prior to the board  
34 hearing, and the notice shall so state. If the repeat violation has been corrected, the special  
35 magistrate retains the right to schedule a hearing to determine costs and impose the  
36 payment of reasonable enforcement fees upon the repeat violator. The repeat violator may  
37 choose to waive his rights to this hearing and pay such costs as determined by the special  
38 magistrate.

39 (Ord. No. 96-19, § 12, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
40 06)

41 **State law reference—** Similar provisions, F.S. § 162.06.

42  
43 **Sec. 2-197. Subpoena of evidence.**

44  
45 The code inspector, the special magistrate, or the alleged violator may request that  
46 witnesses, records (including surveys, plats, and other materials) and other evidence are  
47 subpoenaed to any violation hearing. Subpoenas shall be served by the sheriff of the county.  
48 These subpoenas shall be available through the clerk of the enforcement division. A nominal  
49 administrative fee shall be charged for the preparation and service of the subpoenas, the  
50 amount of which administrative fee shall be established by resolution of the village council.

1 (Ord. No. 96-19, § 13, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
2 06)

3  
4 **Sec. 2-198. Hearings.**

- 5  
6 (a) *Conduct.* Hearings shall be informal and need not be conducted according to technical  
7 rules relating to evidence and witnesses. They shall, however, be conducted in accordance  
8 with accepted parliamentary procedures relative to motions, votes and decisions.  
9 Fundamental due process shall be observed and shall govern all hearings.  
10  
11 (b) *Minutes; provision of clerical and administrative personnel.* Minutes shall be kept of all  
12 hearings, and all hearings shall be open to the public. The code enforcement clerk shall  
13 provide clerical and administrative personnel as may be reasonably required by the special  
14 magistrate for the proper performance of its duties.  
15  
16 (c) *Presentation of case; recovery of costs.* Each case before the special magistrate shall be  
17 presented by the village attorney, or by a member of the village staff. If the village prevails  
18 in prosecuting a case before the special magistrate, it shall be entitled to recover all costs  
19 incurred in prosecuting the case before the special magistrate, and such costs may be  
20 included in a lien authorized by this article and applicable laws.  
21  
22 (d) *Testimony.* The special magistrate shall proceed to hear the cases on the agenda for that  
23 day. All testimony shall be under oath and shall be recorded. The special magistrate shall  
24 take testimony from the code inspector and the alleged violator.  
25  
26 (e) *Rights of parties to hearing.* Each party to the hearing shall have the right to:  
27 (1) Call and examine witnesses.  
28 (2) Introduce exhibits.  
29 (3) Cross-examine opposing witnesses.  
30 (4) Impeach witnesses.  
31 (5) Rebut evidence.  
32  
33 (f) *Representation of alleged violator.* The alleged violator has the right to be represented by  
34 an attorney at all hearings before the special magistrate.  
35  
36 (g) *Evidence.* All relevant evidence shall be admitted if, in the opinion of the special magistrate,  
37 it is the type of evidence upon which reasonable and responsible persons would normally  
38 rely in the conduct of business affairs, regardless of the existence of any common law or  
39 statutory rule which might make such evidence inadmissible over objections in civil actions.  
40 The special magistrate may exclude irrelevant or unduly repetitious evidence. Hearsay  
41 evidence may be accepted for the purpose of supplementing or explaining any direct  
42 evidence, but such hearsay evidence shall not in and of itself be considered sufficient to  
43 support a finding or decision unless the evidence would be admissible over objections in a  
44 civil action.  
45  
46 (h) *Findings of fact; issuance of orders.* At the conclusion of the hearing, special magistrate  
47 shall issue findings of fact based on evidence of record and conclusions of law, and shall  
48 issue an order affording the proper relief consistent with powers granted in this article. The  
49 order may include a notice that it must be complied with by a specified date and that a fine  
50 may be imposed and, under the conditions specified in F.S. § 162.09(1), the cost of repairs  
51 may be included along with the fine if the order is not complied with by such date.

1 (Ord. No. 96-19, § 14, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
2 06)

3 **State law reference—** Similar provisions, F.S. § 162.07(4).

4  
5 **Sec. 2-199. Fines; imposition of liens.**

6  
7 (a) The special magistrate, upon notification by the code inspector that a previous order of the  
8 enforcement board or special magistrate has not been complied with by the set time, may  
9 order the violator to pay a fine not to exceed \$250.00 for each day that the violation  
10 continues past the date set for compliance for a first violation, or in the case of a repeat  
11 violation may order the violator to pay a fine not to exceed \$500.00 for each day the  
12 violation continues beginning with the date the repeat violation is found to have occurred by  
13 the code inspector. In addition, if the code inspector has reason to believe a violation or the  
14 condition causing the violation presents a serious threat to the public health, safety, and  
15 welfare, or if the violation is irreparable or irreversible in nature, the special magistrate shall  
16 notify the village council, which may make all repairs which are required to bring the  
17 property into compliance and charge the violator with the cost of the repairs as part of the  
18 fine imposed pursuant to this article. If, after due notice and hearing, the special magistrate  
19 finds a violation to be irreparable or irreversible in nature, it may impose a fine not to  
20 exceed \$5,000.00 per violation.

21  
22 (b) A certified copy of an order imposing a fine may be recorded in the public records and  
23 thereafter shall constitute a lien against the land on which the violation exists and upon any  
24 other real or personal property owned by the violator. It may be enforced in the same  
25 manner as a court judgment by the sheriffs of this state, including levy against the personal  
26 property. A fine imposed pursuant to this article shall continue to accrue until the violator  
27 comes into compliance or until judgment is rendered in a suit filed pursuant to F.S. §  
28 162.09, whichever occurs first. Once a violator comes into compliance, the violator may  
29 request a reduction of the fine from the special magistrate. In making the determination on  
30 whether to reduce a fine, following compliance, the special magistrate may take into  
31 consideration the gravity of the violation, any actions taken by the violator to correct the  
32 violation, any previous or subsequent violations committed by the violator, whether there  
33 was intervening matters that prevented or obstructed the violator from timely complying with  
34 the order to correct the violation, and/or the financial ability of the violator to pay the full  
35 amount of the fine. A lien arising from a fine imposed pursuant to this article runs in favor of  
36 the village council, and the village council may execute a satisfaction or release of lien  
37 entered pursuant to this article. After three months from the filing of any such lien which  
38 remains unpaid, the special magistrate may authorize the village attorney to foreclose on  
39 the lien, or to sue to recover a money judgment for the amount of the lien, plus accrued  
40 interest. No lien created pursuant to the provisions of this article may be foreclosed on real  
41 property which is a homestead under section 4, article X of the state constitution.

42 (Ord. No. 96-19, § 15, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
43 06)

44 **State law reference—** Similar provisions, F.S. § 162.09.

45  
46 **Sec. 2-200. Duration of lien; action to foreclose; costs collection; continuance of lien.**

47  
48 No lien provided in this article shall continue for a period longer than 20 years after the  
49 certified copy of an order imposing a fine has been recorded, unless within that time an action is  
50 commenced in a court of competent jurisdiction pursuant to F.S. 162.09(3). In an action to  
51 foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs,

1 including a reasonable attorney's fee, that it incurs in the action. The village council shall be  
2 entitled to collect all costs incurred in recording and satisfying a valid lien.

3 (Ord. No. 96-19, § 16, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
4 06)

5 **State law reference—** Similar provisions, F.S. § 162.10.

6  
7 **Sec. 2-201. Service of notice; methods.**

8  
9 (a) All notices required by this part must be provided to the alleged violator by:

10 (1) Certified mail, return receipt requested, to the address listed in the tax collector's  
11 office for tax notices or to the address listed in the county property appraiser's  
12 database. The local government may also provide an additional notice to any other  
13 address it may find for the property owner. For property owned by a corporation,  
14 notices may be provided by certified mail to the registered agent of the corporation. If  
15 any notice sent by certified mail is not signed as received within 30 days after the  
16 postmarked date of mailing, notice may be provided by posting as described in  
17 subsection (b).;

18  
19 (2) Hand delivery by the sheriff or other law enforcement officer, code inspector, or  
20 other person designated by the local governing body;

21 (3) Leaving the notice at the violator's usual place of residence with any person  
22 residing therein who is above 15 years of age and informing such person of the  
23 contents of the notice; or

24  
25 (4) In the case of commercial premises, leaving the notice with the manager or other  
26 person in charge.

27  
28 (b) In addition to providing notice as set forth in subsection (a), at the option of the special  
29 magistrate, notice may also be served by publication or posting, as follows:

30  
31 (1) Such notice shall be published once during each week for 4 consecutive weeks  
32 (four publications being sufficient) in a newspaper of general circulation in the county  
33 where the code enforcement board is located. The newspaper shall meet such  
34 requirements as are prescribed under chapter 50 for legal and official advertisements.

35  
36 (2) Proof of publication shall be made as provided in ss. 50.041 and 50.051.

37  
38 (3) In lieu of publication as described in paragraph (a), such notice may be posted at  
39 least 10 days prior to the hearing, or prior to the expiration of any deadline contained in  
40 the notice, in at least two locations, one of which shall be the property upon which the  
41 violation is alleged to exist and the other of which shall be in a conspicuous place at  
42 the village municipal complex.

43  
44 (4) Proof of posting shall be by affidavit of the person posting the notice, which affidavit  
45 shall include a copy of the notice posted and the date and places of its posting.

46  
47 (5) Notice by publication or posting may run concurrently with, or may follow, an  
48 attempt or attempts to provide notice by hand delivery or by mail as required under  
49 subsection (1).  
50

1 Evidence that an attempt has been made to hand deliver or mail notice as provided in  
2 subsection (a), together with proof of publication or posting as provided in subsection (b),  
3 shall be sufficient to show that the notice requirements of this part have been met, without  
4 regard to whether or not the alleged violator actually received such notice.  
5

6 **Sec. 2-202. Appeals of administrative orders.**  
7

8 An aggrieved party, including the village, may appeal a final administrative order of the  
9 special magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall  
10 be limited to appellate review of the record created before the enforcement board or special  
11 magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

12 (Ord. No. 96-19, § 18, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
13 06)

14 **State law reference**— Similar provisions, F.S. § 162.11.  
15

16 **Sec. 2-203. Special magistrate.**  
17

18 One or more persons may be appointed as special magistrate by Wellington's Council. An  
19 appointee shall serve a two-year term and may be reappointed, provided that for the period  
20 beginning in June of 2010, half of the special magistrates shall serve an initial one-year term  
21 ending on May 31, 2011, so that the appointments would be staggered in future years. Special  
22 magistrates appointed in June of 2012 and beyond may serve a maximum of four consecutive  
23 two-year terms after which such special magistrates may not be eligible for reappointment until  
24 one two-year term has expired. The compensation for special magistrate services may be  
25 authorized as specified in the appointing resolution. A special magistrate may be suspended or  
26 removed with or without cause by Wellington's Council.

27 (Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-06; Ord. No. 2010-12, § 1, 5-  
28 11-10; Ord. No. 2012-18, § 2, 8-14-12)  
29

30 **Sec. 2-226. Authority.**  
31

32 This division is authorized and adopted pursuant to [F.S.] pt. II of ch. 162. The provisions of  
33 the section are additional and supplemental means of enforcing municipal codes and  
34 ordinances and may be used for the enforcement of any code or ordinance or for the  
35 enforcement of all codes and ordinances except as set forth herein above. Nothing contained in  
36 this section shall prohibit the village from enforcing its codes or ordinances by any other means.

37 (Ord. No. 2001-03, § 1, 2-13-01)  
38

39 **Sec. 2-227. Authority of code enforcement officers.**  
40

41 A code enforcement officer is authorized to issue a citation to a person when, based on  
42 personal investigation, the officer has reasonable cause to believe that the person has  
43 committed a civil infraction in violation of a duly enacted code or ordinance and this citation will  
44 be heard by the county court.

45 (Ord. No. 2001-03, § 1, 2-13-01)  
46

47 **Sec. 2-228. Notice.**  
48

49 Prior to issuing a citation, a code enforcement officer shall provide notice to the person that  
50 has committed a violation of a code or ordinance and shall establish a reasonable time period  
51 within which the person must correct the violation. Such time period shall be no more than 30

1 days. If, upon personal investigation, a code enforcement officer finds that the person has not  
 2 corrected the violation within the time period allowed, the code enforcement officer may issue a  
 3 citation to the person who has committed the violation. If the code enforcement officer has  
 4 reason to believe that the violation presents a serious threat to the public health, safety, or  
 5 welfare, or if the violation is irreparable or irreversible, the code enforcement officer is not  
 6 obligated to provide the person with a reasonable time period within which to correct the  
 7 violation prior to the issuance of the citation.

8 (Ord. No. 2001-03, § 1, 2-13-01)  
 9

10 **Sec. 2-229. Form of citation.**

11 The citation issued by the code enforcement officer shall be in a form prescribed by the  
 12 village and shall contain the following:

- 13 (1) The name and address of the person to whom this citation is issued.
- 14
- 15 (2) The date and time the civil infraction was committed for the facts constituting  
 16 reasonable cause.
- 17
- 18 (3) The number or section of the code or ordinance violated.
- 19 (4) The name and authority of the code enforcement officer.
- 20
- 21 (5) The procedure for the person to follow in order to pay the civil penalty or contest the  
 22 citation.
- 23
- 24 (6) The applicable civil penalty if the person elects to contest the citation.
- 25
- 26 (7) The applicable civil penalty if the person elects not to contest the citation.
- 27
- 28 (8) A conspicuous statement if the person fails to pay the civil penalty within the time  
 29 allowed or fails to appear in court to contest the citation, he shall be deemed to have  
 30 waived his right to contest the citation and that, in such case, judgment may be entered  
 31 against the person for an amount up to the maximum civil penalty.

32 (Ord. No. 2001-03, § 1, 2-13-01)  
 33

34 **Sec. 2-230. Violations and penalties.**

35 All violations of the Code of Ordinances shall be considered as civil infractions with a  
 36 maximum civil penalty not to exceed \$500.00. Certain ordinances lend themselves to be  
 37 enforced by means of a citation method and as such, the village has deemed the following  
 38 sections of the Code those that may be enforced through the citation method and has provided  
 39 a schedule of violations and penalties to be assessed as follows:  
 40  
 41  
 42

Class I \$50.00 Penalty	Class II \$75.00 Penalty	Class III \$125.00 Penalty	Class IV \$250.00 Penalty	Class V \$500.00 Penalty
Prohibited Signs LDR Section 7.14	Water Restrictions Codes & Ordinances Section 30-	Failure to obtain Building Permit prior to commencement of construction	Livestock Waste BMP's Section 30- 153	Repeat Violations of items listed under Class I, II, III and IV



	144 (a) – (e) unless due to drought conditions more stringent penalties are applicable	Building Codes Enforcement Administrative Code Section 104.1.1		
Noise Codes & Ordinances Sections 36-33 and 36-34	Solid Waste All violations of Codes & Ordinances Section 36-22(d), 36-23(b), 46-40, 46-41, 46-42	Failure to obtain Local Business Tax Receipt Codes of Ordinances Section 58-61	Vegetation Removal w/o permit LDR Section 7.5	
Property Maintenance Codes and Ordinances Section 36-22		Failure to Obtain Special Use Permit LDR Article 5 Chapter 5	Transient (Mobile) Sales LDR Section 6.4.4.96	
		Failure to Comply with Article 6 of the LDR(Zoning Districts)		
<u>LDR= Land Development Regulations</u>				

(Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2003-25, § 1, 11-18-03; Ord. No. 2006-26, § 1, 12-12-06)

**Sec. 2-231. Citations not applicable to certain portions of building codes.**

The provisions of this section shall not apply to the enforcement pursuant to sections 553.79 and 553.80 of the building codes adopted pursuant to F.S. § 553.73, as they apply to construction, provided that a building permit is either not required or has been issued by the municipality. For the purpose of this subsection, building codes means only those codes adopted pursuant to section 553.73.

(Ord. No. 2001-03, § 1, 2-13-01)

**Sec. 2-232. Processing citations; county court.**

(a) *Disposition by county court.* After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court for further disposition.

(b) Upon receipt of a citation, the person alleged to have violated the village code may request a court appearance. The county court judge may assess a maximum civil penalty not to

1 exceed \$500.00 if contested. If the citation is not contested, the amount of fine is the face  
2 value of the citation plus costs.

3  
4 (c) Should any person receiving a citation desire to contest same, such person shall have the  
5 right to appear in county court in order to present his case and have the determined  
6 position made by the court.

7  
8 (d) *Failure to accept citation; misdemeanor.* Any person who willfully refuses to sign and accept  
9 a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the  
10 second degree, punishable as provided in F.S. §§ 755.082 or 775.083.

11  
12 **SECTION 3.** Should any section, paragraph, sentence clause, or phrase of this  
13 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington  
14 Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this  
15 Ordinance shall prevail to the extent of such conflict.

16  
17 **SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this  
18 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not  
19 affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part  
20 so declared to be invalid.

21  
22 **SECTION 5.** Specific authority is hereby granted to codify this Ordinance.

23  
24 **SECTION 6.** This Ordinance shall become effective immediately upon adoption by the  
25 Wellington Council following second reading.

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31 (Remainder of page intentionally left blank.)  
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**PASSED** this 8 day of April 2014, upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2014, on second and final reading.

VILLAGE OF WELLINGTON

FOR                      AGAINST

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

ATTEST:

BY: \_\_\_\_\_  
    Awilda Rodriguez, Village Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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