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**WHEREAS**, Ordinance No. 99-03, adopted by Council in 1999, regulates the possession and use of firearms and dangerous instruments in the Village's public parks; and

**WHEREAS**, in 2011, the Florida Legislature adopted Chapter 2011-109 (F.S. 790.33) in which it preempted to the State the entire field of regulation of firearms and ammunition, provided for uniform firearms laws and provided penalties and sanctions for the enactment or enforcement of any local ordinances or rules in violation of the statute; and

**WHEREAS**, the statute further declared that all previously enacted local ordinances and regulations relating to firearms are null and void, including Ordinance No. 99-03, the portions of that ordinance relating to firearm regulation remain a part of the Village's Code; and.

**WHEREAS**, the Village Council, to avoid any unintentional enforcement of the Code provision, wishes to amend Section 38-82 to remove the references to firearms.

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

**SECTION 1:** Section 38-82 of Chapter 38, Article III of Wellington's Code of Ordinances relating to Firearms and Dangerous Instruments is hereby amended as follows:

**Sec. 38-82. Dangerous instruments.**

(a) No person, except an authorized village of Wellington employee, security guard, or law enforcement officer shall bring onto park property or have in his/her possession on park property any explosive, dynamite cap, fireworks, , slingshot, cross bow, bow and arrow, any device by means of which a projectile can be propelled, any trapping device, any incendiary bomb or material, any smoke or stink bomb, any tear gas or other disabling chemical or agent, any acid or caustic substance, or any inflammable liquid except fuel contained in the fuel tank of a motor vehicle, vessel, lantern, camp stove or camp heater and not more than one gallon of liquid fuel in a closed metal container.

(b) No person shall discharge any of the instruments listed above into any park from outside a park.

(c) The director may designate areas within a park where bows and arrows can be used. In such cases, the director shall promulgate regulations for the safe use of such devices, and no person shall fail to abide by such regulations.

(d) The director shall designate times and places where fireworks can be used within a park. The director shall promulgate regulations to assure that in such cases the fireworks are used in a safe manner.

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

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

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

**PASSED** this \_\_\_\_ day of May, 2014 upon first reading.

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

**WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY: _____ Bob Margolis, Mayor	_____	_____
_____ John Greene, Vice Mayor	_____	_____
_____ Matt Willhite, Councilman	_____	_____
_____ Anne Gerwig, Councilwoman	_____	_____
_____ Howard K. Coates, Jr., Councilman	_____	_____

1       **ATTEST:**

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3       BY: \_\_\_\_\_  
4             Awilda Rodriguez, Clerk

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7       **APPROVED AS TO FORM AND**  
8       **LEGAL SUFFICIENCY**

9  
10      BY: \_\_\_\_\_  
11             Laurie S. Cohen, Village Attorney