

ORDINANCE NO. 2018-07

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-199(a) OF WELLINGTON'S CODE OF ORDINANCES BY PROVIDING AUTHORITY FOR WELLINGTON'S SPECIAL MAGISTRATES, PURSUANT TO FLORIDA STATUTE § 162.09(2)(d), TO IMPOSE "CODE ENFORCEMENT" PROCEEDINGS AND PENALTIES; THE VILLAGE CODE OF ORDINANCES; AMENDING THE PROVISIONS FOR THE IMPOSITION OF CODES ENFORCEMENT FINES TO EXCEED NORMAL STATUTORY LIMITS FINES GREATER THAN THOSE SET FORTH IN SECTION 162.09(2)(a), OF FLORIDA STATUTES AND PROVIDING CRITERIA TO BE CONSIDERED BY THE SPECIAL MAGISTRATES IN DETERMINING THE AMOUNT OF SUCH HIGHER FINES; CHANGING REFERENCES TO SPECIAL MASTER TO SPECIAL MAGISTRATE; UPDATING TABLE FOR CITATION FINES TO REFLECT CURRENT CODE SECTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

**WHEREAS,** ~~the Wellington's, Florida Council,~~ pursuant to Section 1-9 of its Code of Ordinances ~~the authority in Chapters 163 and 166, Florida Statutes,~~ is authorized and empowered to adopt ~~consider~~ changes to its Code of Ordinances; ~~its Land Development Regulations;~~ and

**WHEREAS,** Wellington's population, as measured in the 2010 United States Census, exceeds 50,000; and

~~the Wellington, Florida Council,~~ **WHEREAS,** pursuant to ~~the authority in Section 162.09(2)(d) of the Florida Statutes Chapter 162, Florida Statutes,~~ Wellington may is authorized its special magistrates to impose fines in excess of those set forth under Florida Statute § 162.09(2)(a); and empowered to establish and consider changes to the regulations governing the enforcement of municipal codes; and

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

**WHEREAS,** Wellington desires to authorize the imposition of such increased fines. Florida Statutes allow counties and municipalities with a population equal to or greater than fifty thousand (50,000) people to adopt ordinances to potentially impose fines exceeding normal Statutory limits, as well as other noncriminal penalties.

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

**SECTION 1.** Section 2-199(a), Chapter 2, Article IV (CODE ENFORCEMENT) of the Code of Ordinances, Village of Wellington, Florida, Sec. 2-199 (a) of Wellington's Code of Ordinances is hereby amended to read, as follows:

Sec. 2-199. - Fines; imposition of liens.

- (a) The special magistrate, upon notification by the code inspector that a previous order of the enforcement board or special magistrate has not been complied with by the set time, may order the violator to pay a fine not to exceed ~~\$250.00~~ \$1,000.00 for each day that the violation continues past the date set for compliance for a first violation, or in the case of a repeat violation may order the violator to pay a fine not to exceed ~~\$500.00~~ \$5,000.00 for each day the violation continues beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if ~~the a~~ code inspector has reason to believe that a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare, or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the special magistrate and request a hearing. In such event, the special magistrate shall notify the village council, which may make all reasonable repairs which are required to bring the property into compliance and may charge the violator with the cost of the repairs together with the fine imposed pursuant to this section. as part of the fine imposed pursuant to this article. If, after due notice and hearing, the special magistrate finds ~~the a~~ violation to be irreparable or irreversible in nature, it may impose a fine not to exceed ~~\$5,000.00~~ \$15,000.00 per violation.- In determining the amount of the fines to be imposed under this section, the special magistrate shall consider (1) the gravity of the violation; (2) any previous actions taken by the violator to correct the violation; and (3) any previous violations committed by the violator.

**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 phase 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 ~~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 \_\_\_\_\_, 2018 upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018, on second and final reading.

1	<b>WELLINGTON</b>		
2		<b>FOR</b>	<b>AGAINST</b>
3			
4	BY: _____	_____	_____
5	Anne Gerwig, Mayor		
6			
7	_____	_____	_____
8	Michael Drahos, Vice Mayor		
9			
10	_____	_____	_____
11	John T. McGovern, Councilman		
12			
13	_____	_____	_____
14	Michael J. Napoleone, Councilman		
15			
16	_____	_____	_____
17	Tanya Siskind, Councilwoman		

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20 **ATTEST:**

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

24 Chevelle Nubin, Clerk

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27 **APPROVED AS TO FORM AND**

28 **LEGAL SUFFICIENCY**

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

32 Laurie Cohen, Village Attorney