

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 FINES GREATER THAN THOSE SET FORTH IN SECTION 162.09(2)(a), 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, Wellington's Council, pursuant to Section 1-9 of its Code of Ordinances is authorized and empowered to adopt changes to its Code of Ordinances; and

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

WHEREAS, pursuant to Section 162.09(2)(d) of the Florida Statutes , Wellington may authorize its special magistrates to impose fines in excess of those set forth under Florida Statute § 162.09(2)(a); and

WHEREAS, Wellington is aware of and understands that efficient and stringent enforcement of its 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.

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 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 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 required to bring the property into compliance and may charge the violator the cost of the repairs together with the fine imposed pursuant to this section. If, after due notice and hearing, the special magistrate finds the 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 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.

WELLINGTON	FOR	AGAINST
BY: _____	_____	_____
Anne Gerwig, Mayor		
_____	_____	_____
Michael Drahos, Vice Mayor		
_____	_____	_____
John T. McGovern, Councilman		
_____	_____	_____
Michael J. Napoleone, Councilman		

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Tanya Siskind, Councilwoman

ATTEST:

BY: _____
Chevelle Nubin, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney