

ORDINANCE NO. 2012-18

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE IV "CODE ENFORCEMENT", DIVISION 1 "GENERALLY", SECTION 2-203 "SPECIAL MAGISTRATE" PROVIDING FOR A TERM LIMIT OF FOUR (4) CONSECUTIVE TWO-YEAR TERMS FOR SPECIAL MAGISTRATE APPOINTMENTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Wellington Council, as the governing body of Wellington, Florida, pursuant to the authority in Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Code of Ordinances; and

**WHEREAS**, Chapter 2 "Administration", Article IV "Code Enforcement", Division 1 "Generally", Section 2-203 "Special Magistrate" provides for the appointment of special magistrates for two-year terms; and

**WHEREAS**, in order to facilitate a process that allows for a variety of qualified individuals to have the opportunity for appointment as a special magistrate, Wellington wishes to provide term limits for such appointments; and

**WHEREAS**, Wellington seeks to establish an eight (8) year limit to the appointment of special magistrates which would allow a special magistrate to serve four (4) consecutive two-year terms (the "Term Limit"); and

**WHEREAS**, Wellington wishes to allow a special magistrate who has met the Term Limit the ability to qualify again for an appointment after one (1) two-year term has expired; and

**WHEREAS**, Wellington does not wish this term limit amendment to apply retroactively and as such, prior terms served by current special magistrates and terms currently being served by those special magistrates who are serving the second year of their two-year term beginning in June of 2012, shall not count towards the term limit; and

**WHEREAS**, Wellington finds that these amendments to Sec. 2-203 are in the best interests of Wellington.

**NOW THEREFORE BE IT ORDAINED BY WELLINGTON, FLORIDA'S COUNCIL THAT:**

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

**SECTION 2.** The Code of Ordinances of Wellington, Florida, is hereby amended at Chapter 2 "Administration", Article IV "Code Enforcement", Division 1 "Generally", Section 2-203 "Special Magistrate" to read as follows:

**Sec. 2-203. – Special Magistrate**

One or more persons may be appointed as special magistrate by the Wellington's Council. An appointee shall serve a two-year term and may be reappointed, provided that for the period beginning in June of 2010, half of the special magistrates shall serve an initial one-year term ending on May 31, 2011 so that the appointments would be staggered in future years. Special Magistrates appointed in June of 2012 and beyond may serve a maximum of four (4) consecutive two-year terms after which such special magistrates may not be eligible for reappointment until one (1) two-year term has expired.

**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 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.

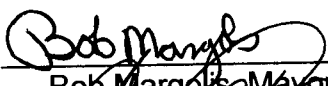
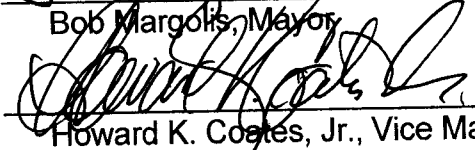
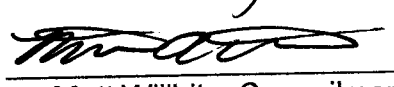
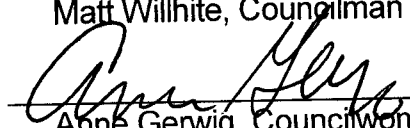
**SECTION 5:** Specific authority is hereby granted to codify this Ordinance.

**SECTION 6:** This Ordinance shall become effective immediately upon adoption of the Village Council of the Village of Wellington following second reading.

**PASSED** this 12<sup>th</sup> day of June, 2012, upon first reading.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of August 2012, on second and final reading.

**WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY:  Bob Margolis, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Howard K. Coates, Jr., Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Matt Willhite, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Anne Gerwig, Councilwoman	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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3 John Greene ✓  
4 John Greene, Councilman  
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6 **ATTEST:**

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9 BY: Awilda Rodriguez  
10 Awilda Rodriguez, Wellington's Clerk  
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13 **APPROVED AS TO FORM AND**  
14 **LEGAL SUFFICIENCY**

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16  
17 BY: Jeffrey S. Kurtz  
18 Jeffrey S. Kurtz, Esq., Attorney for Wellington