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**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL
AMENDING CHAPTER 36 ENTITLED OFFENSES AND
MISCELLANEOUS PROVISIONS TO CREATE A NEW
ARTICLE 6 ENTITLED FIREWORKS WITHIN THE
EQUESTRIAN PRESERVE AREA; PROVIDING FOR
CONFLICT; PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Wellington is known as the Winter Equestrian Capital of the World and houses thousands of horses within its Equestrian Preserve Area of the Village during the winter months; and

WHEREAS, it is well documented that horses are startled by loud noises and sudden flashing lights and are particularly frightened of fireworks. In fact, numerous equine publications publish articles and tips for helping horses handle the stress of fireworks displays, and there is concern for both the safety of the horse and the horse owner during these events; and

WHEREAS, It is very common for horses to gallop, sweat and tremble when “spooked” by the loud noise and flashing of fireworks, and this can result in cuts, strains and sprains in these prized animals; and

WHEREAS, each year Wellington receives many requests for assistance from those within the equestrian community, who are very concerned about the stress and anxiety experienced by their horses during these events, and who fear for the safety of their horses; and

WHEREAS, although Chapter 791 of the Florida Statutes generally prohibits the sale and use of fireworks of fireworks except as specified therein, section 791.08 permits the sale and use of such fireworks on certain designated holidays; and

WHEREAS, during the 2021 Legislative Session, the Florida Legislature passed HB 979, a Local Bill put forward by Wellington, relating to regulation of fireworks within Wellington's Equestrian Preserve Area. The bill provides an exception to the general law and permits Wellington to prohibit the use of fireworks within the Equestrian Preserve Area on the designated holidays. The Local Bill has now become law and Wellington believes it should be incorporated into its Code of Ordinances.

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

SECTION 1: Chapter 36, Article 6 of Wellington’s Code of Ordinances is hereby amended by adding a new Article VI and section 36-49 to be as follows:

1 **ARTICLE VI – PROHIBITION OF THE SALE AND USE OF FIREWORKS**

2
3 **Section 36-49. Notwithstanding ss. 791.001 and 791.08, Florida Statutes, the**
4 **sale and use of fireworks within Wellington’s Equestrian Preserve Area of the**
5 **Village of Wellington are prohibited on all days of the year except for supervised**
6 **public displays approved by Wellington’s police captain and fire chief and**
7 **permitted by Wellington. Nothing herein is intended to or shall prevent the**
8 **importation, purchase, sale or use of fireworks for agricultural purposes as set**
9 **forth in section 791.07, Florida Statutes.**

10
11 **SECTION 2:** All prior ordinances, resolutions or policies in conflict herewith are
12 hereby repealed.

13
14 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
15 ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
16 ordinance, resolution, or municipal code provision; then in that event the provisions of this
17 ordinance shall prevail to the extent of such conflict.

18
19 **SECTION 5:** Should any section, paragraph, sentence, clause, or phrase of this
20 ordinance be declared by a court of competent jurisdiction to be invalid, such decision
21 shall not affect the validity of this ordinance as a whole or any portion or part thereof,
22 other than the part so declared to be invalid.

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

26
27 **PASSED** this _____ day of _____, 2021 upon first reading.

28
29 **PASSED AND ADOPTED** this _____ day of _____, 2021 on second and
30 final reading.

31 **WELLINGTON**

	FOR	AGAINST
32 BY: _____	_____	_____
33 Anne Gerwig, Mayor		
34		
35 _____	_____	_____
36 John McGovern, Vice Mayor		
37		
38 _____	_____	_____
39 Michael Drahos, Councilman		
40		
41 _____	_____	_____
42 Michael Napoleone, Councilman		
43		
44 _____	_____	_____
45		
46 _____	_____	_____

1 Tanya Siskind, Councilwoman
2
3

4
5 **ATTEST:**
6

7 BY: _____
8 Chevelle D. Addie Village Clerk
9

10
11 **APPROVED AS TO FORM AND**
12 **LEGAL SUFFICIENCY**
13

14
15 BY: _____
16 Laurie S. Cohen, Village Attorney
17