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ORDINANCE NO. 2021-33

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL REPEALING CHAPTER 26 TITLED "EMERGENCY SERVICES" AND CHAPTER 27 TITLED "REMOTE ACCESS TO COMMUNITIES" IN THEIR ENTIRETY, AND AMENDING AND RENUMBERING THEM AS CHAPTER 8 "EMERGENCY SERVICES," AS CONTAINED HEREIN, TO ADOPT PALM BEACH COUNTY'S ALARM ORDINANCE AND TO PROVIDE FOR REMOTE ACCESS TO GATED COMMUNITIES IN ACCORDANCE WITH THE FLORIDA FIRE PREVENTION CODE; PROVIDING A REPEALER CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Village Council, as the governing body of Wellington has the authority, pursuant to Article VIII, section 3 of the Florida Constitution, and Chapter 166 of the Florida Statutes, is authorized and empowered to adopt legislation to govern the affairs of its citizens; and

WHEREAS, Wellington adopted its first Code of Ordinances in 1997, shortly after incorporation, and since that time has adopted revisions as necessary to protect the health, safety and welfare of its citizens; and

WHEREAS, Wellington believes that it is in the best interest of the community to make additional modifications to the Code of Ordinances to remove outdated and unnecessary provisions and to simplify the provisions set forth therein.

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

SECTION 1: Chapters 26 and 27 of Wellington's Code of Ordinances are hereby repealed in their entirety and are amended, consolidated and renumbered as Chapter 8 titled "Emergency Services" and are hereby adopted as specifically provided in Exhibit A attached to this Ordinance.

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SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: 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 5: This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

PASSED this _____ day of _____, 2021 upon first reading.

PASSED AND ADOPTED this _____ day of _____, 20__ on second and final reading.

WELLINGTON

| | FOR | AGAINST |
|--|------------|----------------|
| BY: _____ Anne Gerwig, Mayor | _____ | _____ |
| _____ John McGovern, Vice Mayor | _____ | _____ |
| _____ Michael Drahos, Councilman | _____ | _____ |
| _____ Michael Napoleone, Councilman | _____ | _____ |
| _____ Tanya Siskind, Councilwoman | _____ | _____ |

ATTEST:

BY: _____
Chevelle D. Addie Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie S. Cohen, Village Attorney

EXHIBIT A

~~Chapter 26—EMERGENCY SERVICES⁽¹⁾~~

~~Footnotes:~~

~~—(1)—~~

~~State Law reference—~~Electrical and alarm system contracting, F.S. § 489.501 et seq.

~~ARTICLE I.—IN GENERAL~~

~~Secs. 26-1—26-30.—Reserved.~~

~~ARTICLE II.—ALARMS⁽²⁾~~

~~Footnotes:~~

~~—(2)—~~

~~Editor's note—~~Ord. No. 2005-04, §§ 1, 2, adopted Feb. 22, 2005, repealed the former Art. II, §§ 26-31—26-42, and enacted a new Art. II as set out herein. The former Art. II pertained to burglar alarms and derived from Ord. No. 96-09, § 1, adopted May 14, 1996.

~~Editor's note—~~This article is based on chapter 16, article III, of the Palm Beach County Code of Ordinances.

~~Sec. 26-31.—Territorial application.~~

~~This chapter applies to every residential and nonresidential land use within the incorporated village.~~

~~(Ord. No. 2005-04, § 2, 2-22-05)~~

~~Sec. 26-32.—Palm Beach County Ordinance adopted.~~

~~The Palm Beach County Code Chapter 16, Law Enforcement, Article III, Alarms, as amended from time to time, is hereby adopted as part of the Code so that violations of the Palm Beach County Ordinance are also violations of this Code. Where any conflict may exist between this Code and the Palm Beach County Ordinance, the Palm Beach County Ordinance will prevail.~~

~~(Ord. No. 2005-04, § 2, 2-22-05)~~

~~Chapter 27—REMOTE ACCESS TO COMMUNITIES~~

~~Sec. 27-1.—Remote access to gated communities.~~

~~(a)—All gated communities within the village are required to install a remote control system known as the "Linear Access Pro Receiver/Transmitter System", or any compatible system that meets the following specifications:~~

~~(1)—Wireless based systems;~~

- (2) ~~Gate operators capable of remote activation from a distance of up to 250 feet by the use of a radio frequency, programmable transmitter;~~
- (3) ~~Transmitters are block-coded into the access Pro Receiver, or compatible receiver;~~
- (4) ~~Transmitters are capable of individual deletion from the system at any time;~~
- (5) ~~Outputs:~~
 - a. ~~Relay: two form "C" relays, related at 1 amp @ 2 volts ac or dc;~~
 - b. ~~LED display: three eight-segment displays to provide system activity and programming information;~~
 - c. ~~LED indicators: front-panel indicators are used in conjunction with LED display to provide transmitter and radio activity;~~
- (6) ~~Inputs:~~
 - a. ~~RF: integral 318-MHz super-regenerative receiver with 94-dBm sensitivity (nominal); receives MegaCode format transmitters;~~
 - b. ~~Open request terminal: contact closure to ground activates access relay;~~
 - c. ~~Open button: pressing activates access relays; also used to clear trouble codes from MGT;~~
 - d. ~~Keypad: integral 15-key silicone rubber keypad for system programming and interrogation;~~
- (7) ~~Power: 12 to 24 volts ac or dc, 250 mA maximum.~~
- (b) ~~Gated communities within the village shall install, at their expense, a remote control system at each entry point into their community in compliance with subsection (a) of this section no later than 120 days from the adoption of this section.~~
- (c) ~~Public safety personnel (fire, fire/rescue, police, etc.) shall be authorized to gain access to any gated community within the village to perform the duties of such public safety personnel in accordance with the law.~~
- (d) ~~Maintenance of the installed remote control system(s) shall be the responsibility of the community where it/they are installed.~~

~~(Ord. No. 2008-02, § 1, 2-12-08)~~

Chapter 8 - EMERGENCY SERVICES

Sec. 8-1. Palm Beach County Alarm Ordinance adopted.

The Palm Beach County Code Chapter 16, Law Enforcement, Article III, Alarms, as amended from time to time, is hereby adopted as part of the Code so that violations of the Palm Beach County Ordinance are also violations of this Code. Where any conflict may exist between this Code and the Palm Beach County Ordinance, the Palm Beach County Ordinance will prevail.

Sec. 8-2 - Remote access to gated communities.

- (a) All gated communities within the village are required to install a remote control system for access to the gated community that complies with the December 2020 "Palm Beach County Local Amendments to the Florida Fire Prevention Code," Section 12-57 of the Palm Beach County Code, specifically paragraph 18.2.2.2.1 "Access to Existing Gated Subdivisions or Developments or paragraph 18.2.2.2.2 "Access to New Gated Subdivisions or Developments," as applicable to the community, and as may be amended from time to time.

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b) Public safety personnel (fire, fire/rescue, police, etc.) shall be authorized to gain access to any gated community within the village to perform the duties of such public safety personnel in accordance with the law.

(c) Maintenance of the installed remote control system(s) shall be the responsibility of the community where it/they are installed.