



## Legislation Details (With Text)

**File #:** 14-249      **Name:** ORDINANCE NO. 2014-19 (FIREARMS AND DANGEROUS INSTRUMENTS)

**Type:** Policy      **In control:** Village Council

**On agenda:** 5/13/2014      **Final action:** 2/1/2016

**Title:** ORDINANCE NO. 2014-19 (FIREARMS AND DANGEROUS INSTRUMENTS)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 38-82 OF CHAPTER 38, ARTICLE III OF WELLINGTON'S CODE OF ORDINANCES RELATING TO FIREARMS AND DANGEROUS INSTRUMENTS; PROVIDING A

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 38-82 OF CHAPTER 38, ARTICLE III OF WELLINGTON'S CODE OF ORDINANCES RELATING TO FIREARMS AND DANGEROUS INSTRUMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**Code sections:**

**Attachments:** 1. 1. 2014-19 (Amend Firearms Ordinance), 2. 2. FS 790.33, 3. 3. Ord 99-03

Date	Ver.	Action By	Action	Result
5/13/2014	2	Village Council	approved	Pass
5/12/2014	2	Village Council Workshop		

**ITEM: ORDINANCE NO. 2014-19 (FIREARMS AND DANGEROUS INSTRUMENTS)**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 38-82 OF CHAPTER 38, ARTICLE III OF WELLINGTON'S CODE OF ORDINANCES RELATING TO FIREARMS AND DANGEROUS INSTRUMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**REQUEST:** Approval on first reading of Ordinance No. 2014-19.

**EXPLANATION:** This Ordinance seeks to amend Chapter 38, Article III, Section 38-82 of Wellington's Code of Ordinances to make it compliant with current Florida law.

Ordinance No. 99-03 regulates the possession and use of firearms and dangerous instruments in the Village's public parks. In 2011, the Florida Legislature adopted Chapter 2011-109 (F.S. 790.33) in which it pre-empted to the State the entire field of regulation of firearms and ammunition, provided for uniform firearms laws and provided penalties and sanctions for the enactment or enforcement of any local ordinances or rules in violation of the statute. Although the statute further declared that all previously enacted local ordinances and regulations relating to firearms are null and void, including Ordinance No. 99-03, the portions of that ordinance relating to firearm regulation remain a part of the Village's Code. To avoid any unintentional enforcement of the Code provision, staff is recommending amending Section 38-82 to remove the references to firearms.

**BUDGET AMENDMENT REQUIRED:** NO

**PUBLIC HEARING:** YES                      **QUASI-JUDICIAL:** NO

**FIRST READING:** YES                      **SECOND READING:**

**LEGAL SUFFICIENCY:** YES

**FISCAL IMPACT:** N/A

**WELLINGTON FUNDAMENTAL:** Responsive Government

**RECOMMENDATION:** Approval on first reading of Ordinance No. 2014-19.