



Legislation Text

File #: 18-2134, Version: 1

ITEM: WORKSHOP FOR ORDINANCE NO. 2018-07 (CODE ENFORCEMENT PROCEEDINGS AND PENALTIES)

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

REQUEST: Authorize staff to advertise for public hearing and process an Ordinance approving amendments to Chapter 2, Article IV, Section 2-199(a) of Wellington's Code of Ordinances to provide authority for Wellington's Special Magistrates to impose enhanced fines pursuant to Florida Statute § 162.09(2)(d) and establishing criteria to be considered in determining the amount of such fines.

EXPLANATION: The purpose of this amendment is to modify Chapter 2, Article IV, Section 2-199 of the Wellington Code of Ordinances to increase the maximum potential fine amounts that can be levied by the Special Magistrate to the limits permitted by Chapter 162 of Florida Statutes. Florida Statute Section 162.09 (2)(d) provides that a county or municipality having a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives special magistrates the authority to impose fines that shall not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the special magistrate finds the violation to be irreparable or irreversible in nature. A majority plus one vote of the governing body is necessary to adopt an ordinance creating the higher potential fines proposed by this ordinance. Therefore, four positive votes of the Wellington Council are required.

BUDGET AMENDMENT REQUIRED: NO

PUBLIC HEARING: YES QUASI-JUDICIAL: NO

FIRST READING: N/A SECOND READING: N/A

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: **N/A**

WELLINGTON FUNDAMENTAL: **Protecting Our Investment**

RECOMMENDATION: Authorize staff to advertise for public hearing and process an Ordinance approving amendments to Chapter 2, Article IV, Section 2-199 of Wellington's Code of Ordinances to increase the potential amount of fines for code violations.