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ORDINANCE NO. 2017-001

AN ORDINANCE OF THE VILLAGE OF WELLINGTON,
FLORIDA, AMENDING CHAPTER 36, ARTICLE II,
AMENDING SECTION 36-21 ENTITLED "DEFINITIONS";
AMENDING SECTION 36-22 ENTITLED "PROPERTY
MAINTENANCE STANDARDS"; PROVIDING FOR
CONFLICT; PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; PROVIDING AN
EFFECTIVE DATE.

WHEREAS, this Ordinance is enacted pursuant to Article VIII of the Florida Constitution, Chapters 162 and 166 of the Florida Statutes, the Charter of the Village of Wellington; and the police powers of the Village of Wellington; and

WHEREAS, the Village Council has determined that the Code of Ordinances should be revised to delete definitions that are not relevant to a particular section of the Code of Ordinances; and

WHEREAS, the Village Council has determined that the Code of Ordinances should be revised to clarify that, unless otherwise stated, property owners are the responsible parties for all property maintenance issues throughout the Village;

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

SECTION 1: Section 36-21 of the Code of Ordinances, Village of Wellington, is hereby amended to read as follows:

Sec. 36-21. - Definitions.

The following words and terms, when used in this article, have the meanings specified herein:

Accumulation means any one or more articles of litter.

~~*Boat* means any vessel or craft designed to travel over water, whether motorized or not, including, but not limited to air boats, jet skis and other personal watercraft, canoes and paddle boats.~~

~~*Commercial vehicle* means any vehicle of greater than one ton capacity, and any vehicle of less than one ton capacity if outfitted for commercial purposes with such items as racks, tool boxes, or commercial enterprise identification.~~

Developed property means any real property upon which a structure, paving or other improvement has been erected or installed. Overhead, underground and other public or franchised utility installations shall not be considered improvements for the purposes of this definition.

1 *Landscaped areas* means outdoor area, required to consist of or consisting of any
2 of the following or combination thereof, grass, ground covers, shrubs, vines, hedges,
3 trees or palms; and non-living durable material commonly used in landscaping, such as
4 rocks, pebbles, sand, walls or fences but excluding paving.

5 *Litter* means rubbish and all other solid waste material which, if thrown or deposited
6 as herein prohibited, tends to create a danger to public health, safety and welfare.

7 *Natural area* means an area of native vegetative cover.

8 *Native vegetation* means any plant species with a geographic distribution
9 indigenous to all or part of the village.

10 *Non-native vegetation* shall mean any plant not native to the State of Florida
11 allowed to grow in an uncontrolled manner.

12 ~~Recreational vehicle means any vehicle designed as a temporary living quarters for~~
13 ~~recreational, camping or travel use, which is self-powered or is mounted on or drawn by~~
14 ~~another vehicle.~~

15 *Rubbish* means solid wastes consisting of both combustible and noncombustible
16 wastes, such as paper, wrappings, cigarettes, cardboard and tin cans.

17 Solid waste as defined in section 46-23, Code of Ordinances of the Village of
18 Wellington.

19 ~~Sport vehicle means any dune buggy, racing vehicle, all-terrain vehicle or other type~~
20 ~~of off-road vehicle.~~

21 Undeveloped property means any real property, which is not developed property.

22 *Yard* means a space open and unobstructed from the ground to the sky, except by
23 permitted encroachments on the same lot with a structure or use.

24 *Yard, front* means an area extending across the full width of the lot between the
25 front lot line and the nearest line of any building on the lot.

26 *Yard, rear* means an area extending across the full width of the lot between the rear
27 lot line and nearest line of the main building.

28 *Yard, side* means an area extending from the front lot line to the rear lot line,
29 between the side lot line and the nearest line of any building on the lot.

30 **SECTION 2:** Section 36-22 of the Code of Ordinances, Village of Wellington, is
31 hereby amended to read as follows:

32
33 Sec. 36-22. - Property maintenance standards—General.

34
35 (a) Applicability. These regulations shall apply to all property within the village and,
36 unless otherwise stated, the property owner shall be responsible for all maintenance
37 required by this section.

38
39 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
40 Ordinance conflict with any section, paragraph, clause or phrase of any prior

1 Wellington Ordinance, Resolution, or Municipal Code provision; then in that event
2 the provisions of this Ordinance shall prevail to the extent of such conflict.
3

4 **SECTION 4:** Should any section, paragraph, sentence, clause, or phrase of this
5 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
6 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part
7 thereof, other than the part so declared to be invalid.
8

9 **SECTION 5:** This Ordinance shall become effective immediately upon adoption
10 of the Wellington Council following second reading.
11

12 **PASSED** this _____ day of _____, 2017 upon first reading.
13

14 **PASSED AND ADOPTED** this _____ day of _____, 2017 on second and final
15 reading.
16

17 **WELLINGTON**

	FOR	AGAINST
18 BY: _____	_____	_____
19 Anne Gerwig, Mayor		
20 _____	_____	_____
21 John McGovern, Vice Mayor		
22 _____	_____	_____
23 Michael Drahos, Councilman		
24 _____	_____	_____
25 Michael Napoleone, Councilman		
26 _____	_____	_____
27 Tanya Siskind, Councilwoman		

28 **ATTEST:**

29 BY: _____
30 Chevelle D. Nubin, Village Clerk
31

32 **APPROVED AS TO FORM AND
33 LEGAL SUFFICIENCY**

34 BY: _____
35 Laurie S. Cohen, Village Attorney
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