

ORDINANCE NO. 2024-16

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON CODE OF ORDINANCES TO MODIFY CHAPTER 22 – TRAFFIC AND VEHICLES, ARTICLE II. – PARKING FOR DISABLED PERSONS AND ARTICLE IV. – PENALTIES; MISCELLANEOUS PROVISIONS, AS MORE SPECIFICALLY CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in Chapter 316, Florida Uniform Traffic Control Law, Florida Statutes, is amending the Code of Ordinances to be consistent with the process and penalties for unlawful parking in the Village of Wellington; and

WHEREAS, the Code of Ordinances is being amended to reference the provisions of Section 316.1955, Florida Statutes and the process for an appeal of a parking violation citation with the Palm Beach County Clerk of Court; and

WHEREAS, Wellington's Council has taken the comments from the public into consideration of the proposed amendments that are the subject of this Ordinance.

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

SECTION 1. Chapter 22 – Traffic and Vehicles, Article II – Parking for Disabled Persons and Article IV – Penalties, of the Code of Ordinances, Wellington, Florida, is hereby amended as specifically provided in Exhibit A.

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. Should any section, paragraph, sentence, clause, or phase 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 of part thereof, other than the part so declared to be invalid.

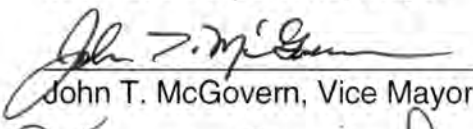
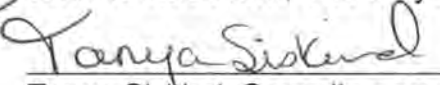
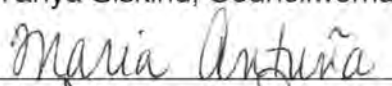
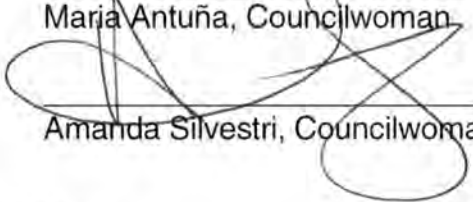
[This section is intentionally blank.]

SECTION 4. This ordinance shall become effective immediately upon adoption by the Wellington Council following second reading.

PASSED this 8th day of October, 2024, upon first reading.

PASSED AND ADOPTED this 12th day of November, 2024, upon second and final reading.

WELLINGTON

		FOR	AGAINST
BY:			
	Michael J. Napoleone, Mayor		
			
	John T. McGovern, Vice Mayor		
			
	Tanya Siskind, Councilwoman		
			
	Maria Antuña, Councilwoman		
			
	Amanda Silvestri, Councilwoman		

ATTEST:

BY: 
Chevelle D. Hall, MMC, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: 
Laurie Cohen, Village Attorney

Exhibit A

Chapter 22 TRAFFIC AND VEHICLES

ARTICLE II. PARKING FOR DISABLED PERSONS

Sec. 22-20. Unlawful parking in a space designated for use by disabled persons; responsibility of the property owner to comply with state law.

- A. It is unlawful for any person to stop, stand, or park a vehicle within any marked parking space specially designated for use by disabled persons provided in accordance with state law or Wellington ordinance, unless such vehicle displays a disabled person parking permit or license plate issued pursuant to state law, and such vehicle is transporting the person to whom the permit or plate is issued. Whenever a Code Compliance Officer or Law Enforcement Officer finds a vehicle stopped, standing, or parked in violation of this section, that officer shall:
1. Have the vehicle in violation ~~removed~~relocated to any lawful parking space or facility or require the operator or other person in charge of the vehicle to immediately remove the vehicle from the parking space. Whenever any vehicle is ~~removed~~relocated by a Code Compliance Officer or Law Enforcement Officer to a lawful parking space or facility, the cost of such ~~removal~~relocation ~~and parking~~ shall be a lien against the vehicle; and
 2. Charge the operator or other person in charge of the vehicle with a violation of this section, punishable with a minimum mandatory fine of \$250.00.
- B. Any person who is chauffeuring a disabled person shall be allowed, without need for a disabled person parking permit or license plate, momentary parking in any such parking space for the purpose of loading or unloading the disabled person. No penalty shall be imposed upon the driver for such momentary parking.
- C. ~~Wellington adopts the provisions of F.S. § 316.1955 regarding the enforcement of parking requirements for persons who have disabilities. The mandatory minimum penalty of \$250.00 may be waived upon payment of \$5.00 when a disabled person produces proof or a satisfactory explanation that they were the driver of the vehicle (or were being transported in such vehicle) cited and that they had a valid disabled person parking permit or license plate, when the citation was issued. All persons wishing to request a waiver of the penalty shall make such requests in person to the Wellington Clerk within ten calendar days of receiving the parking ticket. All of the following are required in order to process a waiver of the mandatory minimum penalty:~~
- ~~1. Copy of disabled person parking permit or license plate;~~
 - ~~2. Copy of the parking placard registration and matching personal identification;~~
 - ~~3. The issued parking ticket; and~~
 - ~~4. Required fee.~~
- ~~A "Disabled Parking Penalty Waiver Affidavit" shall be completed and signed by the Wellington Clerk after it has been established that the party appealing the penalty has complied with the requirements of this section and the costs have been received.~~
- D. *Responsibility of property owner to comply with state requirements for disabled parking:* The markings, paint color, signage, and space design requirements for disabled parking shall meet the requirements of state law.
- (Ord. No. 2023-12, § 7, 9-5-23)

ARTICLE IV. PENALTIES; MISCELLANEOUS PROVISIONS

Sec. 22-24. Penalties.

- A. Wellington adopts the provision of F.S. § 318.18 as amended, related to the noncriminal disposition of offenses other than those specifically set forth below.
- B. The following civil penalties shall be imposed for violations of the referenced sections of this chapter.

Violation	Civil Penalty
Violations of Article I, except section 22-9	\$35.00 for each violation
Violations of Article I, section 22-9	\$35.00 for each violation or such penalties as may be imposed by order of the special magistrate pursuant to the provisions of section 2-39 Code of Ordinances
Violations of Article II	\$250.00 for each violation

- C. Any person owing moneys for parking tickets issued within Wellington shall remit payment at the place designated on the ticket within 30 days of the date of issuance of such ticket.

Sec. 22-25. Late fee.

For a parking violation citation issued by a Wellington Code Compliance Officer, a late fee of \$12.00 is established and must be paid in connection with the payment of any parking violation fine paid more than 30 days after the date of issuance of the citation, excluding the date of issuance.

Sec. 22-2625. Administrative appeal of parking violation citation.

- A. Request for administrative hearing:
1. Any person wishing to contest a parking violation citation issued by a Wellington Code Compliance Officer may appeal and contest such citation by making a written request for an administrative hearing to the Wellington Clerk within 30 days of the date the citation was issued. Failure to contest such violation by way of the above procedure shall constitute an admission by the violator that the infraction was committed and will operate as a waiver of the right to a hearing on the issue.
 2. Upon receipt of the request for an administrative hearing for a parking citation issued by a Wellington Code Compliance Officer, the Wellington Clerk shall notify the clerk of the court. The alleged violator and Wellington shall be given notice of the date and time of the hearing before the traffic hearing officer.
 3. Any person wishing to contest a parking violation issued by a Wellington Code Compliance Officer or a Law Enforcement Officer and processed by the Palm Beach County Clerk of Court shall contact the Clerk of Court within 30 days of the date the citation was issued. Failure to contest such violation by way of the above procedure shall constitute an admission by the violator that the infraction was committed and will operate as a waiver of the right to a hearing on the issue.
- B. The hearing shall be conducted in accordance with F.S. § 318.14 and the Florida Rules of Traffic Court, as amended from time to time. The Florida Rules of Traffic Court are available at: floridabar.org/rules/ctproc/.

(Ord. No. 2023-12, § 7, 9-5-23)

Sec. 22-~~27~~26. Supplying parking violation information to the state.

Wellington or the Palm Beach County Clerk of Courts shall supply the Florida Department of Safety and Motor Vehicles, or any successor department performing substantially the same duties, with a list of persons who have three (3) or more outstanding parking violations, or one (1) or more outstanding parking violation(s) of F.S. §§ 316.1955, 316.1957 or any Wellington ordinances that regulate parking in spaces for persons with disabilities. ~~The information may be supplied to the Florida Department of Highway Safety and Motor Vehicles in any communication format approved by it or by state statute.~~

Sec. 22-~~28~~27. Safety helmet required for riding horses and other equine animals.

- A. It is the intent of Wellington by enacting this section to protect the health, safety, and welfare of young equine animal riders in Wellington.
- B. An equine animal rider who is under 16 years of age must wear a helmet that meets the American Society of Testing and Materials (ASTM) standards and is properly fitted and fastened securely upon the rider's head by a strap, when riding in a public area. This requirement applies regardless of whether a rider is controlling the equine animal. As used within this section, the term "equine animal" means a horse, pony, mule, or donkey. The term "public area" as used within this section means:
 - 1. All areas within Wellington where Wellington enjoys original jurisdiction to regulate traffic pursuant to the State Uniform Traffic Control Laws;
 - 2. All public parks or premises, public school sites, public equestrian trails, public recreational trails, or ~~publicly~~-publicly-owned or controlled property.
- C. No parent or guardian of any person under the age of 16 years may authorize or knowingly permit any such minor person to violate any of the provisions of this section.
- D. No person may knowingly rent or lease any equine animal to be ridden by a person who is under the age of 16 years unless the prospective rider possesses a helmet meeting the requirements of subsection (b) above or the lessor provides a helmet meeting such requirements for the prospective rider to wear.
- E. Any person who violates this section may be issued a citation and fine of \$25.00 by a Code Compliance Officer or Law Enforcement Officer.
- F. This section does not apply to a person riding an equine animal when such rider is:
 - 1. Practicing for or competing or performing in shows or events, including, but not limited to, rodeos and parades, where helmets are not historically a part of the show or event;
 - 2. Riding on ~~privately~~-privately-owned land even if the land is occasionally separated by a public road or right-of-way that must be crossed; or
 - 3. Engaged in any agricultural practice or pursuit.

(Ord. No. 2023-12, § 7, 9-5-23)

Sec. 22-28. Reserved.