



**CITY COMMISSION AND
COMMUNITY REDEVELOPMENT AGENCY AGENDA
CITY HALL CHAMBERS
251 W. Plant Street
(REVISED 1/8/08)**

REGULAR MEETING

JANUARY 10, 2008

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of December 13, 2007

2. PRESENTATION AND AWARDS (added on 1/8/08)

Introduction of the new West Orange High School Principal James Larsen
Recognition awards presented to the City of Winter Garden

3. FIRST READING OF PROPOSED ORDINANCES

- A. **Ordinance 08-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 07-45, THE CITY OF WINTER GARDEN FISCAL YEAR 2007-2008 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being held on January 24, 2008** – Finance Director Strobeck
- B. **Ordinance 08-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING APPROXIMATELY 0.07 ACRES OF RIGHT-OF WAY AT THE NORTHWEST CORNER OF LOT 9, PAVEX PARK, PARCEL ID 25-22-27-6743-00-081, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE **with the second reading and public hearing being to be advertised as required** – Planning Director Williams
- C. **Ordinance 08-10:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING APPENDIX A OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO ROAD AND DRAINAGE CONSTRUCTION BY AMENDING ARTICLE III, SECTIONS 3.01, 3.02, AND 3.03 OF THE WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - **with the second reading and public hearing being held on January 24, 2008** – Public Services Director Cochran
- D. **Ordinance 08-11:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY CREATING THE FOLLOWING SECTION THEREOF: ARTICLE I GENERAL; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WATER AND WASTEWATER SYSTEMS, DESIGN, CONSTRUCTION METHODS, MATERIALS AND INSPECTIONS; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

with the second reading and public hearing being held on January 24, 2008 – Public Services Director Cochran

- E. **Ordinance 08-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 1 OF THE ELECTIONS ARTICLE OF THE CODE OF ORDINANCES PROVIDING FOR THE APPOINTMENT AND TRAINING OF MUNICIPAL ELECTION BOARD PERSONNEL BY THE ORANGE COUNTY SUPERVISOR OF ELECTIONS AND THE CITY CLERK; PROVIDING THAT ELECTION BOARD PERSONNEL TRAINED FOR A GENERAL ELECTION MAY SERVE ON THE ELECTION BOARD FOR RUN OFF ELECTIONS ARISING THEREFROM WITHOUT ADDITIONAL TRAINING; ALLOWING ELECTION BOARD VACANCIES TO BE FILLED BY THE CITY CLERK; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being held on February 14, 2008** (*added on 1/8/08*) – City Clerk Golden

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 07-63:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.25 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 311 SOUTH MAIN STREET FROM CITY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Planning Director Williams
- B. **Ordinance 08-01:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 1536, 1537 AND 1538, ARTICLE X, CHAPTER 118, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REQUIRING DARK SKIES LIGHTING BY PRIVATE DEVELOPMENT; REQUIRING ALL DEVELOPMENTS TO PROVIDE STREET LIGHTING ADJACENT TO RIGHTS-OF-WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Public Services Director Cochran
- C. **Ordinance 08-02:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ARTICLE II OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN PEACETIME EMERGENCY PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – Fire Chief Williamson
- D. **Ordinance 08-03:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 9 OF CHAPTER 106 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REQUIRING THE MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT SYSTEMS AND FACILITIES; PROVIDING FOR ENFORCEMENT OF MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT SYSTEMS AND FACILITIES; PROVIDING FOR OPTIONAL PROCESSES AND MECHANISMS FOR THE CITY OF WINTER GARDEN TO MAINTAIN AND ENFORCE MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT SYSTEMS AND FACILITIES AND CHARGE, LIEN AND ASSESS PROPERTY OWNERS BENEFITED BY OR RELATED TO SUCH MAINTENANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer
- E. **Ordinance 08-04:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADDING DIVISION 6 IN ARTICLE II OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN DEFINING AND REGULATING PORTABLE STORAGE BUILDING OR CONTAINER, REQUIRING

PERMIT FOR SAME AND AUTHORIZING THE ISSUANCE OF SUCH PERMITS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – Code Enforcement Manager Irvin

- F. **Ordinance 08-05:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 26 IN ARTICLE II OF CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN PROVIDING REMOVAL OF PLANNING AND ZONING BOARD MEMBERS DUE TO THREE UNEXCUSED ABSENCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer
- G. **Ordinance 08-06:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 38-56 THROUGH 38-58 AND 38-91 THROUGH 38-103 IN ARTICLE I OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN DEFINING AND REGULATING LOT CLEANING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer

5. **REGULAR BUSINESS**

- A. **Resolution 08-01:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING SECTION 118-135, REVIEW FEES FOR VARIANCE REQUESTS; PROVIDING AN EFFECTIVE DATE – City Planner Williams
- B. **Resolution 08-02:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, FINDING THAT THE EXPENDITURE OF MONEY IN OPPOSITION OF THE PROPOSED CONSTITUTIONAL AMENDMENT SERVES A PUBLIC PURPOSE; PROVIDING THAT THE DISSEMINATION OF INFORMATION CONCERNING THE IMPACTS OF THIS AMENDMENT ON THE CITIZENS OF THE COUNTY AND THE CITY IS ESSENTIAL TO THE HEALTH, SAFETY, PROTECTION AND WELFARE OF THE CITY AND ITS CITIZENS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES – City Manager Bollhoefer
- C. **Resolution 08-03:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2008 LEGISLATIVE SESSION; PROVIDING FOR DELIVERY TO GOVERNOR CRIST, SENATE PRESIDENT PRUITT, HOUSE SPEAKER RUBIO AND MEMBERS OF THE FLORIDA LEGISLATURE; PROVIDING AN EFFECTIVE DATE – City Manager Bollhoefer
- D. Recommendation to approve entering into a 24 month Lease Agreement with 1st Source Bank for the lease of a Solid Waste Front Loader Truck – Public Services Director Cochran
- E. Recommendation to authorize entering into an Environmental Contamination Hold Harmless and Indemnity Agreement with Walker’s Grove, LLC – City Planner Williams
- F. Appointments to the City Canvassing Board consisting of two (2) citizens and two (2) alternates (*continued from December 13, 2007*) – City Clerk Golden

Dispense as the City Commission and convene as the Community Redevelopment Agency

- G. Appoint replacements for resigning Community Redevelopment Advisory Board members Bert Valdes (term expires June 2009) and Pam Stewart (term expires June 2008) (*Continued from December 13, 2007*) – CRAB Chairman/CRA Member Cappleman

Adjourn as the Community Redevelopment Agency and reconvene as the City Commission

5. **MATTERS FROM CITIZENS** *(Limited to 3 minutes per speaker)*
6. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman
7. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on January 24, 2008 in City Hall Chambers

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 08-08

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 07-45, THE CITY OF WINTER GARDEN FISCAL YEAR 2007-2008 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 27, 2007, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 07-45 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2007 and ending September 30, 2008;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2007 and ending September 30, 2008 to provide for budget carryovers from the preceding budget year;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the sum of \$19,325,199 to be appropriated as follows:

REVENUES

General Fund	\$ 2,203,724
Local Option Gas Tax Fund	1,153,317
General Impact Fee Fund	1,831,642
Transportation Impact Fee-South of Turnpike Fund	-
Transportation Impact Fee-OOCEA Pledge Fund	2,428,087
New City Hall Fund	7,112,692
Utilities Operating Fund	26,600
Utilities Impact Fee Fund	3,597,463
Utilities Renewal & Replacement	196,893
Stormwater Fund	744,781
Trailer City Fund	<u>30,000</u>
	\$19,325,199

EXPENSES

General Fund	\$ 2,203,724
Local Option Gas Tax Fund	1,153,317
General Impact Fee Fund	1,831,642
Transportation Impact Fee-South of Turnpike Fund	-
Transportation Impact Fee-OOCEA Pledge Fund	2,428,087
New City Hall Fund	7,112,692
Utilities Operating Fund	26,600
Utilities Impact Fee Fund	3,597,463
Utilities Renewal & Replacement	196,893
Stormwater Fund	744,781
Trailer City Fund	<u>30,000</u>
	\$19,325,199

SECTION 2: Detail for the aforementioned totals is attached as Exhibit 1, which shall be incorporated in the Ordinance. Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 3: This Ordinance shall become effective upon its adoption at the second reading and public hearing.

READ FIRST TIME: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack Quesinberry

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 08-09

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING APPROXIMATELY 0.07 ACRES OF RIGHT-OF WAY AT THE NORTHWEST CORNER OF LOT 9, PAVEX PARK, PARCEL ID 25-22-27-6743-00-081, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of property generally known as Lot 9, Pavex Park, Winter Garden, Florida, has petitioned the City of Winter Garden to vacate approximately 0.07 acres of right-of-way at the northwest corner of Lot 9, Pavex Park, and

WHEREAS, after due consideration of public comment given at an advertised public hearing, the City has determined that the aforesaid easement is not needed,

THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I - The City of Winter Garden hereby vacates all interest in the aforesaid easement as legally described in Exhibit "A":

SECTION II - Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION III: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2008.

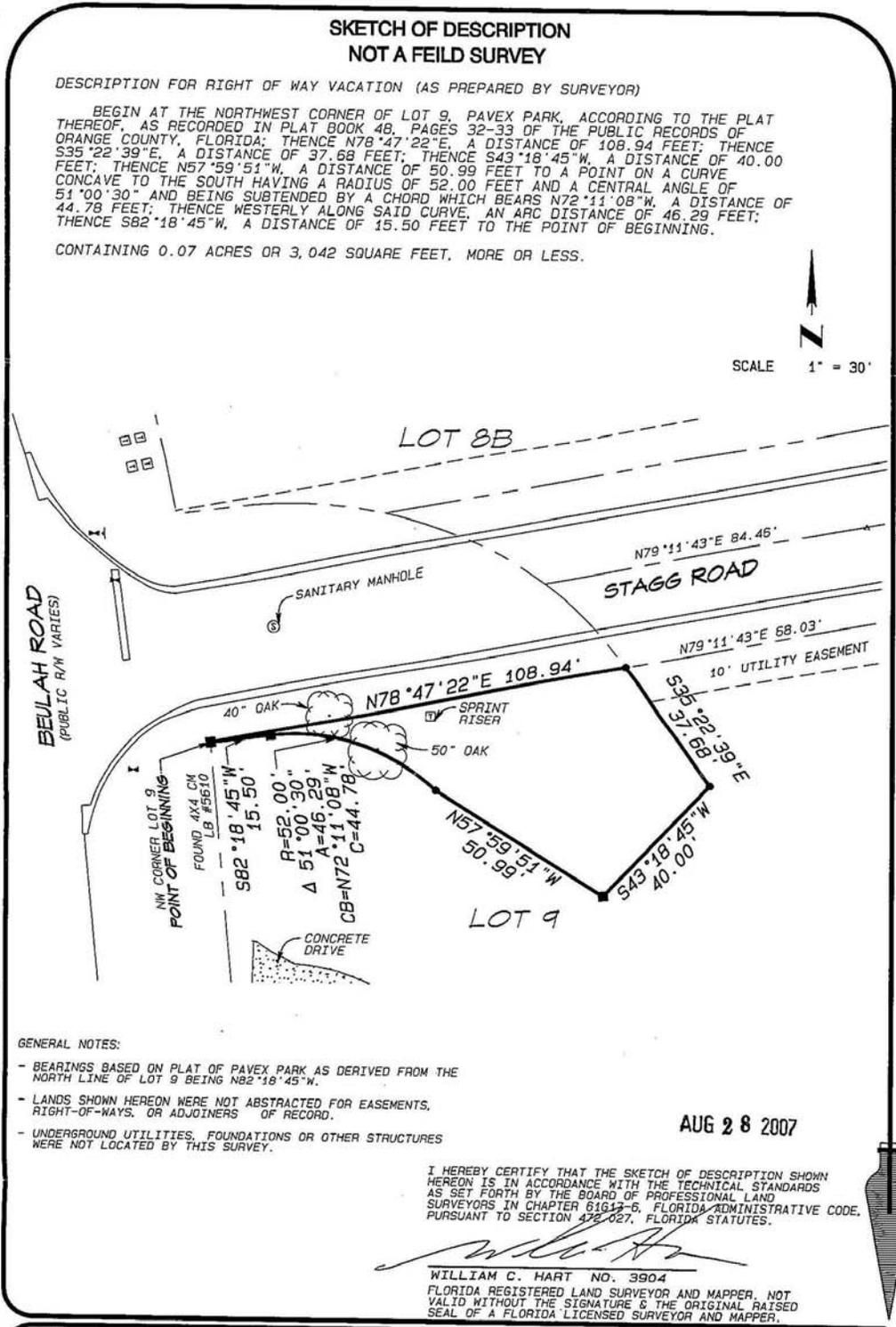
READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2008.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk



N
 SCALE 1" = 30'

FILE NAME: I:\drawings\DANGER CONSTRUCTION\LOTS 8A, 8B, 9 T090.dwg

- GENERAL NOTES:
- BEARINGS BASED ON PLAT OF PAVEX PARK AS DERIVED FROM THE NORTH LINE OF LOT 9 BEING N82°18'45"W.
 - LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHT-OF-WAYS, OR ADJOINERS OF RECORD.
 - UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER STRUCTURES WERE NOT LOCATED BY THIS SURVEY.

AUG 28 2007

I HEREBY CERTIFY THAT THE SKETCH OF DESCRIPTION SHOWN HEREON IS IN ACCORDANCE WITH THE TECHNICAL STANDARDS AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 478.027, FLORIDA STATUTES.

William C. Hart
 WILLIAM C. HART NO. 3904

FLORIDA REGISTERED LAND SURVEYOR AND MAPPER, NOT VALID WITHOUT THE SIGNATURE & THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FCM - FOUND CONCRETE MONUMENT	C.M. - CONCRETE MONUMENT	A - DELTA OR CENTRAL ANGLE	PR - PROPOSED	R/W - RIGHT OF WAY
F.I.R.C. - FOUND IRON ROD AND CAP	P.I. - POINT OF TANGENCY	P.I. - POINT OF INTERSECTION	EX - EXISTING	CL - CENTERLINE
F.I.R. - FOUND IRON ROD	P.C. - POINT OF CURVATURE	A/C - AIR CONDITIONING UNIT	FND - FOUND	R - RADIUS
F.ND - FOUND NAIL AND DISK	U.E. - UTILITY EASEMENT	L - ARC LENGTH	EL - ELEVATION	CB - CHORD BEARING
FM - FIELD MEASUREMENT	D.E. - DRAINAGE EASEMENT	N.T.S. - NOT TO SCALE	CONC. - CONCRETE	C - CHORD LENGTH
(C) - CALCULATED MEASUREMENT	C & G - CURB & GUTTER	FF - FINISHED FLOOR	ESMT - EASEMENT	

PREPARATION DATE	
DRAWING TYPE	REVISION
SKETCH OF DESCRIPTION	8/27/07

FRANKLIN, HART, & REID
CIVIL ENGINEERS - LAND SURVEYORS
 1368 EAST VINE STREET, KISSIMMEE, FL 34744
 PHONE 846-1216 FAX 846-0037
 CERTIFICATE NO. LB 6605

PROJECT INFORMATION	
JOB NO.	104774
DRAWN BY:	RRD
REVIEWED BY:	WCH

ORDINANCE NO. 08-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING APPENDIX A OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO ROAD AND DRAINAGE CONSTRUCTION BY AMENDING ARTICLE III, SECTIONS 3.01, 3.02, AND 3.03 OF THE WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden, Florida (the "City") desires to keep current its Ordinances for consistency with budget practices and manning requirements driven by operational needs of the Department; and

WHEREAS, Regulatory and Environmental considerations result in the need for periodic changes in the rules governing the manner in which business is conducted ; and

WHEREAS, the delivery of high quality and efficient services to the citizens of the City are integral to the mission of the Public Services Department, the City Manager and the City Commission; and

WHEREAS, references to other public agencies and documents require periodic revisions to keep our ordinances consistent; and

WHEREAS, subsequent revisions are also deemed warranted my staff and shall be offered as supplemental to this Ordinance to complete the Utilities Ordinance Update process.

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Authority: The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

SECTION 2: Adoption: The following Sections shall be amended in Appendix A, Article III of the City of Winter Garden Code of Ordinances and shall read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE III. ROAD, STREET AND HIGHWAY RELATED CONSTRUCTION

Sec. 3.01. Adoption of the City of Winter Garden Standard Specifications for Road and Drainage Construction Manual. ~~county road construction specifications.~~

There is adopted by the city for the purpose of establishing minimum acceptable standards for the design, methods for construction, materials and inspections of road, street, highway, and related subdivision construction in the city, the City of Winter Garden Manual of Standard Specifications for Road and Drainage Construction. Such manual shall apply to all road and drainage construction within the City of Winter Garden. One copy shall be on file in the offices of the Public Services Department, Division of Engineering. It is adopted and incorporated as fully as if set out in length in this section. This manual shall be amended or modified as necessary with the approval of the City Manager. ~~of road, street and highway related construction in the city that certain county road construction specifications document, approved and recommended by the county road construction advisory board January, 1988 and adopted by the county commission February 15, 1988 (sometimes referred to as "RCS"), save and except such portions as are deleted, modified or amended by this article~~

~~and by the city commission from time to time. This article shall apply to all roads, streets, highways and related and appurtenant construction in the city, whether associated or related to any subdivision or otherwise. A copy of the county's road construction specifications is filed in the office of the city clerk. Such road construction specifications document is adopted and incorporated as fully as if set out in length in this section, except for such portions as are deleted, modified or amended by this article and by the city commission.~~

(Code 1988, § 19-224)

~~Sec. 3.02. General modifications to road construction specifications.~~

~~General modifications to the county road construction specifications adopted in this article shall be as follows:~~

- ~~(1) All references to "board of county commissioners" are replaced with "city commission."~~
- ~~(2) All references to "county" and "Orange County" are replaced with "city" and "City of Winter Garden," respectively.~~
- ~~(3) All references to "administrator," "county administrator," or "administration" are replaced with "city manager."~~
- ~~(4) All references to "county attorney" are replaced with "city attorney."~~
- ~~(5) All references to "county engineer" are replaced with "city engineer."~~
- ~~(6) All references to any board or panel, such as but not limited to the "Orange County Road Construction Advisory Board," are replaced with "city engineer." However, any matter arising in the city that, but for this article, would have been submitted to the county road construction advisory board under the RCS shall be submitted to such board, if allowed by the board for board action. The city engineer shall then adopt the board's determinations unless he has justifiable cause to deviate therefrom.~~
- ~~(7) Article 1 of the RCS is amended to read as follows: "SHORT TITLE: This resolution shall be known as the City of Winter Garden Road Construction Specifications."~~
- ~~(8) Article 2 of the RCS is amended to read as follows: "JURISDICTION: These regulations apply to all incorporated areas of the City of Winter Garden."~~
- ~~(9) Article 3 of the RCS is amended to read as follows: "PURPOSE: These regulations are adopted for the purpose of establishing the minimum standards of road, street and highway construction and related and appurtenant construction in the City of Winter Garden. Any item not specifically addressed in these specifications shall be in accordance with the Standard Specifications. The city engineer will review specific products to make a determination of compliance with these specifications."~~

(Code 1988, § 19-225)

~~Sec. 3.03. Modifications to terms, conditions and specifications of county road construction specifications.~~

~~The following specific modifications are made to the county road specifications adopted in this article:~~

- ~~(1) Section 6.05 is amended to read as follows: "Embankments shall be constructed true to lines, grades and cross sections shown on the plans, within a 0.1 foot tolerance. Embankments shall be constructed of suitable materials placed in successive level layers not more than 12 inches in thickness, loose measure, for the full width of the embankment, for the full length of the embankment, and compacted to a minimum density of 95% of the maximum density value as determined by A.A.S.H.T.O. T 180. Embankment underroadways and up to six feet outside the edge of pavement or curb shall be compacted to 98% of the maximum density values as determined by A.A.S.H.T.O. T 180."~~
- ~~(2) Section 7.02.01 b) is amended to read as follows: "Compact to 95% of A.A.S.H.T.O. T 180 for top 12."~~
- ~~(3) Section 7.02.02 a) is amended to read as follows: "Compact to 95% of A.A.S.H.T.O. T 180 for top 12."~~
- ~~(4) Section 7.02.03 b) is amended to read as follows: "Compact to 95% of A.A.S.H.T.O. T 180 for top 12."~~
- ~~(5) Section 8.09.01 is amended to read as follows: "The supplier shall submit a mix design, prepared by an independent geotechnical engineer, to the county engineer for approval prior to use of the material for road construction. Also, the supplier shall continuously monitor at the plant the batching and mixing of the material and submit to the county engineer, as requested, reports, prepared by the geotechnical engineer of the graduation, cement content and moisture content. The geotechnical engineer shall monitor the installation and conduct applicable tests and inspections as outlined in Section 8.08."~~
- ~~(6) Section 9.01 is amended to read as follows: "The work specified in this section consists of the construction of a base course composed of limerock. It should be noted that limerock base is generally not allowed due to the nature of soils and water table in the city. However, should there be special cases where limerock base is permitted, the following specifications will apply. It shall be constructed on the prepared subgrade in accordance with these specifications and in conformity with the lines, grades, notes, and typical cross sections shown on the plans. Where so shown on the plans, the base shall be constructed in two courses. Where the plans do not specify double-course base, the base may be constructed in either one of two courses."~~

(7) Section 12.02.02 is amended to read as follows: "The top six inches shall be composed of well drained granular soils that are predominantly sandy, mixed with no more silt or clay than required to obtain a Florida bearing value of 50, plus or minus five, and be compacted to 98% of maximum density in accordance with A.A.S.H.T.O. T 180."

(8) The table at end of section 12.05.01 is amended to read as follows:
 TABLE INSET:

"TYPE OF DEVELOPMENT"	ROAD CLASSIFICATION	—
Residential	Marginal Access	6"
—	Minor Street	6"
—	Collector Street	6"
Industrial & [Commercial]	Marginal Access	6"
—	Minor Street	6"
—	Collector Street	8" "

(9) Section 13.04 is amended to read as follows: "Backfilling shall progress as rapidly as the construction and testing of the work will permit. All backfill material shall be suitable and free of deleterious material. The initial backfill shall be carefully deposited on both sides of the pipe at the same time and uniformly compacted around the barrel of the pipe until enough has been placed to provide a cover of one foot above the crown of the pipe. In no case shall backfill material be placed in the trench in a manner that will cause shock to, or unequal pressure on, the pipe. The backfill shall be placed and compacted to 98% of the maximum density as determined by A.A.S.H.T.O. T 180 under and within six feet of the travelled way and under other existing hard surfaced or previously compacted areas. In all areas except for those stated, compaction must equal 90% of maximum density as determined by A.A.S.H.T.O. T 180 or as directed by the County Engineer. Under no condition is construction, debris, concrete, etc., to be included with the backfill."

(10) Section 20.06 a) is amended to read as follows: "Under and within six feet of the travelled way and under other existing hard surfaced, or previously compacted areas. Compaction must equal 98% of maximum density as determined by A.A.S.H.T.O. T 180."

(11) Section 20.08 is amended to read as follows: "The top 12 inches of the excavation shall be stabilized with a mixture of clay and sand to a condition equal to or better than existing surface. Compaction density of this layer shall equal 98% of maximum density as determined by A.A.S.H.T.O. T 180."
 (Code 1988, § 19-226)

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____, 2008.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE NO. 08-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY CREATING THE FOLLOWING SECTION THEREOF: ARTICLE I GENERAL; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WATER AND WASTE- WATER SYSTEMS; DESIGN, CONSTRUCTION METHODS, MATERIALS AND INSPECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden, Florida (the "City") desires to keep current its Ordinances for consistency with budget practices and manning requirements driven by operational needs of the Department; and

WHEREAS, Regulatory and Environmental considerations result in the need for periodic changes in the rules governing the manner in which business is conducted; and

WHEREAS, the delivery of high quality and efficient services to the Utilities customers of the City are integral to the mission of the Public Services Department, the City Manager and the City Commission; and

WHEREAS, references to other public agencies and documents require periodic revisions to keep our ordinances consistent; and

WHEREAS, subsequent revisions are also deemed warranted my staff and shall be offered as supplemental to this Ordinance to complete the Utilities Ordinance Update process.

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Authority: The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

SECTION 2: Adoption: The following Section shall be inserted in Chapter 78 Utilities, Article I In General, of the City of Winter Garden Code of Ordinances and shall read as follows:

Sec. 78-1. Standards and specifications for water and wastewater systems; design construction methods, materials and inspections.

There is adopted by the city for the purpose of establishing minimum acceptable standards for the design, methods of construction, materials, and inspections of water and wastewater distribution, transmission and collection systems, infrastructure and facilities in the city, the City of Winter Garden Manual of Standard Specifications for Utilities Construction. Such manual shall apply to all proposed water and wastewater infrastructure and facilities to be owned, operated and/or maintained by the city. One copy shall be on file in the offices of the Public Services Department, Division of Engineering. It is adopted and incorporated as fully as if set out in length in this section. This manual shall be amended or modified as necessary with the approval of the City Manager.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____, 2008.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 08-12

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 1 OF THE ELECTIONS ARTICLE OF THE CODE OF ORDINANCES PROVIDING FOR THE APPOINTMENT AND TRAINING OF MUNICIPAL ELECTION BOARD PERSONNEL BY THE ORANGE COUNTY SUPERVISOR OF ELECTIONS AND THE CITY CLERK; PROVIDING THAT ELECTION BOARD PERSONNEL TRAINED FOR A GENERAL ELECTION MAY SERVE ON THE ELECTION BOARD FOR RUN OFF ELECTIONS ARISING THEREFROM WITHOUT ADDITIONAL TRAINING; ALLOWING ELECTION BOARD VACANCIES TO BE FILLED BY THE CITY CLERK; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Florida Statutes authorize municipalities to adopt procedures for their elections by ordinance;

WHEREAS, the City Commission desires to delegate the tasks of appointing and designating election boards and selecting and training poll workers to the Orange County Supervisor of Elections Office whenever possible;

WHEREAS, the City Commission desires to provide for the filling of poll worker vacancies on election boards; and

WHEREAS, the City Commission desires to supplement the provision of the State Election Code for Election Board training in municipal elections; and

THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes, and Sections 13 and 20 of the City of Winter Garden Charter.

SECTION 2. Chapter 2, Article V, Division 1 of the Code of the City of Winter Garden be, and the same is hereby, amended to read as follows:

Sec. 2-253. Election board training. The city clerk Orange County Supervisor of Elections shall be responsible for determining the necessary election board requirements for designating the required election boards and appointing, training and providing those poll workers who are to serve on such election boards as inspectors and clerks and for training said inspectors and clerks for all city municipal elections held within the City. To the extent that the Orange County Supervisor of Elections is unavailable or otherwise unable to perform some or all of such duties, the City Clerk shall assume such duties as necessary to ensure the proper conduct of such elections. Such requirements Poll worker qualifications and training procedures shall be consistent with the Florida Statutes. Notwithstanding the foregoing, any person who has received the requisite training as a poll worker for a general election may serve on an election board as a clerk or inspector for any run off election arising from such general election without receiving additional poll worker training. Vacancies on an election board may be filled by either the Orange County Supervisor of Elections or the City Clerk by the appointment of a qualified substitute.

SECTION 3. Codification. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances.

SECTION 4. Severability. Should any section, subsection, sentence, clause, phase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereto.

SECTION 5. Effective Date. This Ordinance shall become effective upon the adoption by the City Commission.

FIRST READING: January 10, 2008

SECOND READING AND PUBLIC HEARING: _____ 2008

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-63

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.25 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 311 SOUTH MAIN STREET FROM CITY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 0.25 ± acres located at 311 South Main Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from City R-1 to City R-NC zoning classification, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from City R-1 to City R-NC in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: December 13, 2007.

SECOND READING AND PUBLIC HEARING: _____ 2008.

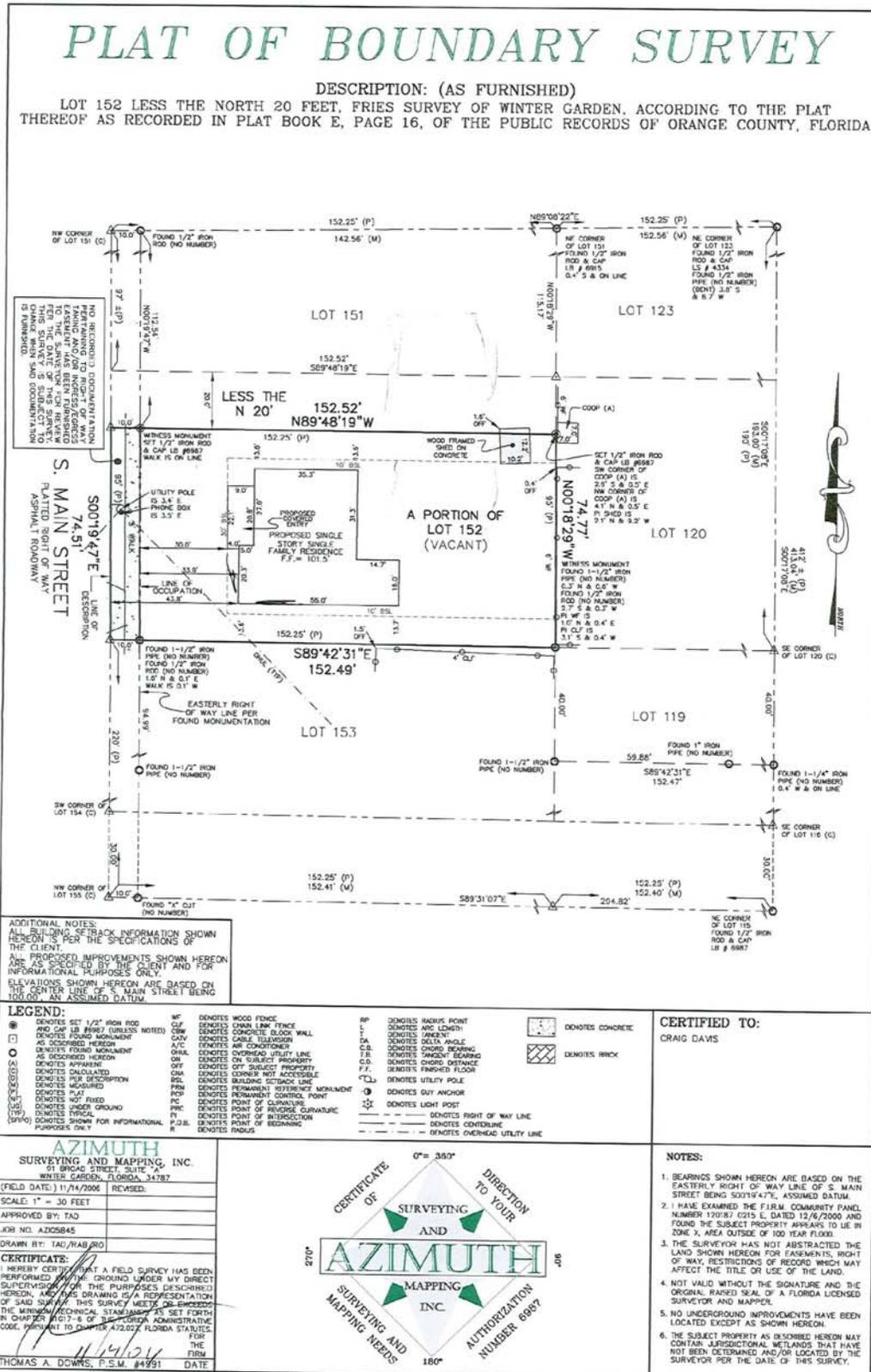
APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Attachment "A"



ORDINANCE 08-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 1536, 1537 AND 1538, ARTICLE X, CHAPTER 118, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REQUIRING DARK SKIES LIGHTING BY PRIVATE DEVELOPMENT; REQUIRING ALL DEVELOPMENTS TO PROVIDE STREET LIGHTING ADJACENT TO RIGHTS-OF-WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain lighting from private development creates glare, visual clutter, light pollution and urban sky glow which can distract the attention of drivers of motor vehicles and thereby pose a significant risk for public safety and detract from attributes and the natural environment of the City of Winter Garden; and

WHEREAS, it is important to the health, safety and welfare of the citizens of the City of Winter Garden that non-distracting on-site lighting and street lighting adjacent to public rights-of-way be provided by private development; and

WHEREAS, the City wishes to maintain safety, health, security, and productivity, while enhancing nighttime enjoyment of property within its jurisdiction.

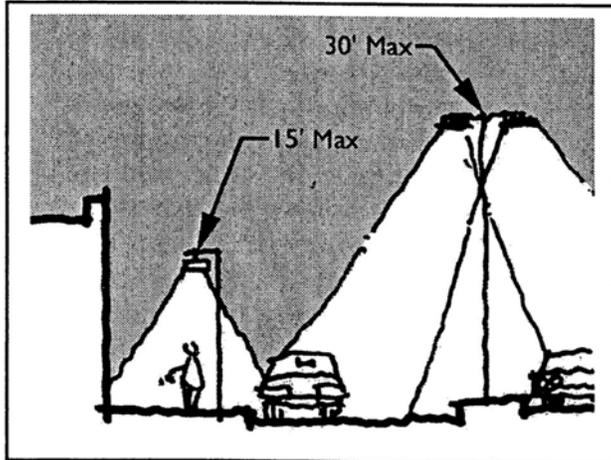
NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Authority: The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: Adoption: The following Sections shall be amended in Article X of Chapter 118 of the City of Winter Garden Code of Ordinances and shall read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 118-1536. General requirements.

(a) Commercial buildings and projects, including their outparcels, shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire project. Lighting shall be used to accent key architectural elements and/or to emphasize landscape features, and shall be designed and installed to avoid the creation of hot spots, glare or a nuisance.



Pedestrian and Street Lighting

(b) Light fixtures shall be designed as dark skies lighting and shall be an integral design element that complements the design of the project through style, material or color. All light poles and fixtures shall be black, dark green or some similarly dark color that is consistent with the architectural design scheme of the property. Lighting of on-site buildings shall be limited to wall-washer type fixtures or up-lights, which do not produce spillover lighting or glare. Site lighting shall not incorporate floodlight fixtures mounted on building walls, roofs, or poles. Light fixtures shall be full cut off with zero light above 90 degrees.

(c) To provide cohesiveness and uniformity, a lighting plan prepared by an architect or engineer licensed to practice in the state of Florida shall be submitted to the city as part of an application for site plan, special exception permit or subdivision approval, and said professional shall: (1) certify that the lighting plans are compliant with the requirements of the design standards and regulations provided for herein; or (2) so certify to the extent said lighting plans are compliant with the requirements of the design standards and regulations provided for herein and provide a written explanation for any deviations.

(d) Lighting levels for fire lanes or driveways at building entrances shall not exceed five foot-candles (fc). Lighting at fire lanes or driveways at building entrances may exceed allowable standards of intensity for safety purposes upon demonstration to the city that compliance with these lighting criteria would otherwise create a safety hazard, provided, however, that such lights shall be directed downward to minimize spillover lighting and glare.

(e) Lighting intensities for ATM machines shall comply with Florida Statutes.

(f) Lighting intensities shall be designed as recommended by the Illuminating Engineering Society (IES).

(g) A light fixture (the pole and light source/luminary) shall be a maximum of 30 feet in height within any parking lot, and a maximum of 16 feet in height within any non-vehicular pedestrian area (with height being measured from the finished grade to the top of the light fixture).

(h) At service stations and convenience centers, lighting under awnings, canopies, porte-cocheres, etcetera, should be recessed. If not recessed, the box type or other lighting fixture shall be opaque on all sides (no light shall emanate from any side of the fixture). Additionally, the following lighting standards shall apply:

- (1) The light source shall be metal halide (a maximum of 250 watts) or fluorescent;
- (2) The metal halide shall be phosphor coated when used with a clear flat glass lens, or may be clear when used with a diffused flat glass lens; and

(3) The maximum foot-candle level shall be 30 fc (average maintained maximum) - see the IES Lighting Handbook, 8th edition, at Chapter 11, Figure 11-1, Part IV, Outdoor Facilities, Service Stations (lighting level at grade).

(i) Illumination levels at the property line shall range between a minimum of 0.0 fc and a maximum of 1.0 fc, with as close to 0.0 fc as reasonably feasible when lighting is located next to residential. To keep light rays and glare from encroaching onto adjacent properties, illumination shall be installed with house-side shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises. A photometric plan prepared by an engineer licensed to practice in the State of Florida shall be submitted to the city as part of an application for site plan approval, and said professional shall certify that the lighting plans are complementary with landscaping plans and compliant with the requirements of this guideline.

(j) All parking areas, pedestrian walkways, bikeways, loading/service and other areas shall, to the extent applicable, conform to these general requirements.

(k) Street lighting shall be provided on all private developments contiguous to all rights-of-way, roadways, streets, alleys or lanes.

Sec. 118-1537. Parking areas.

Except for areas of service stations and convenience centers located under an awning, canopy, porte-cochere, etcetera, as noted in section 118-1536(h) above, parking areas shall be illuminated as follows, with horizontal lamps highly recommended:

(1) Parking area lighting shall be shielded from adjacent properties by utilizing flat glass lenses, houseside shields, and "NEMA" type II, III, and IV reflectors.

(2) The lamp source shall be metal halide. Wattage shall not exceed 400 watts per bulb. Illumination levels shall range between a minimum of 0.6 fc to a maximum (outside a 20-foot radius from the pole) of 3.6 fc, not including overflow lighting in a transition zone adjacent to a service station and convenience center canopy.

(3) Phosphor coated lamps shall be utilized in all luminaries where the lamp source is not hidden by the luminary housing or equipped with a diffused lens.

(4) Where specifically approved by the City Commission, decorative acorn-type fixtures shall not exceed 18 feet in height and 250 watts per bulb, and shall have a textured clear lens/globe, frosted/phosphor coated bulbs, and an internal optical system.

(Ord. No. 03-30, § 2B(4.2), 9-17-03)

Sec. 118-1538. Pedestrian walkways and bikeways.

Pedestrian walkways and bikeways shall be illuminated as follows:

(1) The lamp shall be decorative in appearance, style and finish and shall be consistent with the architectural standards of the surrounding area. Selected luminaries shall have the lamp source shielded from view. Translucent diffusers may be an acceptable substitute to avoid visual glare and brightness.

(2) The lamp source shall be metal halide. Wattage shall not exceed ~~400~~ 150 watts. Illumination levels shall range between a minimum of 0.5 fc to a maximum of 2.5 fc.

(3) Phosphor coated lamps shall be utilized in all luminaries where the lamp source is not hidden by the luminary housing or equipped with a diffused lens.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____ December 13 _____, 2007.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 08-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ARTICLE II OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN PEACETIME EMERGENCY PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the codified Peacetime Emergency Plan is out of date and no longer used; and

WHEREAS, the City of Winter Garden now uses a Comprehensive Emergency Management Plan to establish its framework for a wide variety of disasters that could adversely affect the health, safety and/or general welfare of the residents of Winter Garden.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: **Authority:** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: **Adoption:** The following Section shall be repealed in Article II of Chapter 30 of the Winter Garden Code of Ordinances in its entirety (words that are ~~stricken out~~ are deletions):

~~Sec. 30-31. Peacetime emergency plan adopted; conflicts.~~

~~(a) The city commission adopts the city peacetime emergency plan, attached to the ordinance from which this section derives (Ordinance No. 92-61) as exhibit A. All statutes, codes and regulations set forth in the plan are set forth for informational purposes only. The plan is to be used as one means of implementing this article.~~

~~(b) Nothing in this article is or will be void, null or made ineffective by the passage of the ordinance from which this section derives or the adoption of the plan, and to the extent of any conflict between this article and this section, this article controls.
(Code 1988, § 8-6)~~

SECTION 3: **Codification:** Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: **Control:** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: **Severability:** It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: **Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____ December 13 _____, 2007.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 08-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 9 OF CHAPTER 106 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REQUIRING THE MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT SYSTEMS AND FACILITIES; PROVIDING FOR ENFORCEMENT OF MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT SYSTEMS AND FACILITIES; PROVIDING FOR OPTIONAL PROCESSES AND MECHANISMS FOR THE CITY OF WINTER GARDEN TO MAINTAIN AND ENFORCE MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT SYSTEMS AND FACILITIES AND CHARGE, LIEN AND ASSESS PROPERTY OWNERS BENEFITED BY OR RELATED TO SUCH MAINTENANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is important to the health, safety and welfare of the citizens of the City of Winter Garden that private stormwater management systems and facilities are properly maintained as designed and permitted; and

WHEREAS, the City desires to implement a method whereby if private stormwater management systems and facilities are not being properly maintained or are improperly altered, the City has the right, but not the obligation, to maintain such facilities at the benefiting property owners' expense.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Authority: The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: Adoption: The following Sections shall be amended in Article VIII of Chapter 106 of the City of Winter Garden Code of Ordinances and shall read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 106-9 Maintenance.

- (a) Prior to the issuance of a building permit or other permit under this chapter, a written maintenance plan shall be submitted to the city engineer which shall contain documentation sufficient to demonstrate that the maintenance ~~agency~~ entity is the legal entity empowered and obligated to perpetually maintain the stormwater management systems and facilities that benefit, accommodate stormwater from, or in any way related to the property or improvements for which the building permit is sought.
- (b) The responsible legal entity shall execute and record in the public records of Orange County, a document acceptable to the city attorney and city manager, which defines its authority and responsibility for maintenance of the stormwater management system and facilities, defines how the maintenance is to be performed, and provides a legal mechanism ensuring the perpetuation of the maintenance, including the assessment and collection of monies necessary for operation, maintenance, repair and replacement of such systems and facilities. Unless waived by the City, the legal mechanism ensuring the perpetual maintenance of the stormwater management system and facilities shall provide for the assessment and collection of monies from all lots and tracts benefiting from such stormwater management system and facilities.

excluding lots and tracts determined by the City to benefit from such systems and facilities solely as the result of maintaining existing natural and historical stormwater flows.

- (c) All lot and tract owners within a subdivision and property owners whose property benefits from the stormwater management system and facilities shall be ultimately responsible for the maintenance of the stormwater management system and facilities, whether or not a homeowners' association or property owners' association is the designated responsible entity.
- (d) The responsible legal entity shall properly operate, maintain, repair and replace any and all stormwater management systems and facilities, including without limitation, the retention/detention areas, ponds, berms, control structures, weirs, pipes, ditches, swales, gutters, inlets, manholes, outfalls, and underdrains and other improvements and areas not dedicated to the public or the City, in accordance with the standards and requirements of the City of Winter Garden Code of Ordinances, approved permits, plans and specifications concerning such improvements, good engineering practices and requirements and standards of other applicable governmental authorities, including the St. Johns River Water Management District and in a manner as not to create a nuisance. Maintenance of stormwater facilities shall include the performance of the system as originally designed and permitted by the city and appropriate governmental agencies and as stated in the written plan.
- ~~(e) If inspection reveals that the legal entity is not maintaining the system in accordance with this section, the city shall give legal entity written notice of the corrective actions required to be taken. If the legal entity fails to complete such corrective action within 30 days after notification, the city may enter upon the property and take the necessary corrective action. The owner shall be liable to the city for any costs or expenses incurred by the city in taking the necessary corrective action plus 20 percent for an administrative fee.~~
- (e) Unless expressly authorized by the City, it is prohibited for any person or entity to alter stormwater management systems or facilities, including but not limited to, altering the grade of or original drainage improvements for any lot or tract or easement area, or changing the direction of, obstructing, inhibiting, interfering with or increasing the flow of surface water drainage, or altering or removing of any berm, control structures, ditch, swale, pipe, inlet, manholes, underdrain, pond, gutter, weir or other stormwater improvement and areas, and stormwater collection, storage and conveyance system.
- (f) If the City determines that stormwater management systems or facilities are not being properly maintained or were improperly altered, the City shall have the right to take one or more of the following actions:

(1) The City shall have the right to impose, through proper enactment, a special assessment, or other mechanism assessing each of the property owners benefiting from the stormwater management systems and facilities and use such assessments to cause the maintenance, repair, replacement and otherwise care for any and all stormwater management systems and facilities and to pay for any administrative costs and attorneys' fees and costs related thereto incurred by the City;

(2) The City shall have the right, but not the obligation, to enter upon the property and take necessary corrective action, at the responsible legal entity's expense. The responsible legal entity shall be liable to the City for any costs and expenses incurred by

the City in taking and arising from the corrective action, including but not limited to, material, labor, equipment, engineering and administrative costs, interest, and attorneys' fees. If said costs and expenses are not paid by the responsible legal entity within 30 days of invoicing by the City, then said costs and expenses shall constitute a lien on all real property of the responsible legal entity upon the recording of a notice of lien by the City in the public records. Said lien may be enforced, without limitation, by foreclosure or lawsuit for damages;

(3) Institute code enforcement proceedings and prosecute code violations;

(4) Issue code enforcement citations and impose penalties in accordance with section 1-15 and other applicable code sections; or

(5) Institute any appropriate action or procedure to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions and to seek damages, in which case the violating persons and entities shall be liable to the City for reimbursement of the City's attorneys' fees and costs concerning such action.

(g) In the event the City obtains ownership of stormwater management systems and facilities once privately owned or owned by another governmental entity as the result of or arising from enforcement action under this Section, as the result of annexation, or by any other means, the City shall have the right to continue to assess and charge each of the property owners benefiting from the stormwater management systems and facilities for ongoing maintenance, repair, replacement and administrative expenses relating to such stormwater management systems and facilities.

(h) The provisions of this Section are additional or supplemental requirements and mechanisms to provide compliance with City codes and to provide for effective and efficient stormwater management. Nothing contained within this Section shall limit the City's ability to enforce its codes by any other means.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: **Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: December 13, _____, 2007.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 08-04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADDING DIVISION 6 IN ARTICLE II OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN DEFINING AND REGULATING PORTABLE STORAGE BUILDING OR CONTAINER, REQUIRING PERMIT FOR SAME AND AUTHORIZING THE ISSUANCE OF SUCH PERMITS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, THE City Commission of the City of Winter Garden hereby finds and declares the adoption of this ordinance is necessary, appropriate and in the public interest of the citizens of Winter Garden, Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: **Authority:** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: **Adoption:** The following Sections shall be included in Article VII of Chapter 22 of the City of Winter Garden Code of Ordinances and shall read as follows (words that are underlined are additions):

DIVISION 6. PORTABLE STORAGE BUILDING OR CONTAINER

Sec. 18-162. Definitions

For the purpose of this section the following definitions shall apply:

Building Official shall mean the Director of Code Enforcement.

Code Enforcement Division Manager shall mean the Manager of the Winter Garden Code Enforcement Division, or authorized designee.

Code Enforcement Inspector shall mean a code enforcement division inspector of the code enforcement division, and may include the code enforcement division manager.

City Manager shall be the chief executive officer of the city and responsible to the city commission for the management of all city affairs.

Portable storage unit means any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

Site means a piece, parcel, tract, or plot of land occupied or to be occupied by one or more buildings or uses and their accessory buildings and accessory uses which is generally considered to be one unified parcel.

Sec. 18-163. Number, duration and removal.

(1) Portable storage units for on-site storage. There shall be no more than one (1) portable storage unit per site no larger than 8 feet wide, 16 feet long and 8 feet high. No portable storage unit shall remain at a site in a residential district in excess of fourteen consecutive days. No portable storage units for on-site storage are permitted on a site if

any portable storage units for transport as defined in subsection (b) are on the site.

(2) Portable storage units for transport. There may be up to two portable storage units, no larger than 5 feet wide, 7 feet long, and 8 feet high each, at a site in a residential district for a period not in excess of fourteen consecutive days when such units are being used for loading or unloading goods in connection with the transport of the goods, to or from storage, or, to or from another residential or nonresidential location. No portable storage units for transport are permitted on a site if any portable storage units for on-site storage as defined in subsection (a) are on the site.

(3) Cumulative time restriction. No portable storage units as defined in subsections (a) and (b) above shall be placed at any one site in a residential district in excess of fourteen days in any calendar year. No portable storage unit as defined in subsections (a) and (b) above shall remain at a site in a nonresidential district in excess of fourteen consecutive days, and portable storage units as defined in subsections (a) and (b) above shall not be placed at any one site in a nonresidential district in excess of 28 days in any calendar year.

Sec. 18-164. Removal of portable storage units in the event of a hurricane warning.

Notwithstanding the time limitations set forth in section 18-163 all portable storage units shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency.

Sec. 18-165. Signage.

A portable storage unit shall have no signage other than the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the portable storage unit.

Sec. 18-166. Maintenance and prohibition of hazardous materials.

The owner and operator of any site on which a portable storage unit is placed shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the portable storage unit shall be kept locked. The owner and operator of any site on which a portable storage unit is placed shall also be responsible that no hazardous substances, as defined in section 58-5 of this Code, are stored or kept within the portable storage unit.

Sec. 18-167. Residential area or district.

In residential areas or districts, portable storage units shall generally be placed only in a driveway or, if alley access exists at the rear of the site, in the rear yard. However, if the Code Enforcement Manager determines that there is no driveway available for placement of a portable storage unit and no alley access at the rear of the site exists, the Code Enforcement Division shall allow placement of a portable storage unit in the front yard, or rather that the placement of such portable storage unit does not obstruct the free, convenient, and normal use of said public right-of-way.

Sec. 18-168. Nonresidential area or district.

In nonresidential areas or districts, portable storage units shall generally be placed only in the rear or side portion of a site. Under no circumstances shall a portable storage unit be placed in an area fronting a street or road, or in the front parking lot of a commercial establishment. The placement of portable storage units in fire lanes,

passenger loading zones, commercial loading zones or public rights-of-way shall be strictly prohibited unless approved by the Planning Department.

Sec. 18-169. Permit - Required

It shall be unlawful for any person to place, or permit the placement of, one or more portable storage unit(s) on property which he or she owns, rents, occupies or controls without first having obtained a permit therefore. Application for a permit shall be made to the Code Enforcement Division by phone registration or in person at the Building Department. The registration shall include the owner or the property or owner's agent, address, phone number and dates the unit(s) will be on the property. This is a no cost permit registration. The issuance of a permit shall allow the applicant to place portable storage units on the property in conformance with the requirements of this chapter. A permit card will be issued and it shall be posted in plain view at the site and removed when the unit removed.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____ December 13 _____, 2007.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 08-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 26 IN ARTICLE II OF CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN PROVIDING REMOVAL OF PLANNING AND ZONING BOARD MEMBERS DUE TO THREE UNEXCUSED ABSENCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board participate an important function fro the City of Winter Garden and regular attendance is expected of its board members; and

WHEREAS, a number of unexcused absences by a board member disrupts the continuity and effectiveness of the Planning and Zoning Board to work efficiently.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: **Authority:** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: **Adoption:** The following Sections shall be included in Article II of Chapter 98 of the City of Winter Garden Code of Ordinances and shall read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE II. PLANNING AND ZONING BOARD

Sec. 98-26. Creation; composition; appointment, terms, removal, compensation of members; filling of vacancies.

(a) There is created a planning and zoning board which shall consist of seven members who shall be appointed by the city commission. Each appointment shall be for a term of four years, each with eligibility for reappointment.

(b) To ensure multidistrict representation on the board, the city commission shall appoint to the board at least one member from each voting district within the city's boundaries. Furthermore, no more than two members of the planning and zoning board may reside in a single district subject to the following exceptions:

(1) If upon the adoption of this requirement there are more than two members of the planning and zoning board who reside within a single voting district, such members may continue in their respective terms until the earlier of their removal or expiration of their respective terms of office.

(2) If a redistricting of voting districts results in more than two members of the planning and zoning board residing within the same voting district, such members may continue in their respective terms until the earlier of their removal or expiration of their respective terms.

(c) Any vacancy in membership shall be filled for the unexpired term by the city commission who shall have the authority to remove any member for cause upon written charges, and after a public hearing. Absence from ~~four~~ three consecutive unexcused regular meetings of the board in one year shall operate to vacate the seat of a member, unless such absences ~~is~~ are excused by the board by resolution setting forth the fact of such excuse duly entered upon the journal.

(d) All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties. The city manager and city engineer shall be ex officio members of the board.

(Code 1988, § 16-27; 06-53, § I, 1-11-07)

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: December 13, 2007.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 08-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 38-56 THROUGH 38-58 AND 38-91 THROUGH 38-103 IN ARTICLE I OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN DEFINING AND REGULATING LOT CLEANING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the accumulation of trash, junk, debris, nonliving plant material, or the excessive growth of grass, or weeds, brush, or branches, upon residential, professional office, commercial, or industrial property or the keeping of fill on residential property, constitutes a nuisance and a menace to the public health, safety and welfare; and

WHEREAS, the aesthetic appearance of residential, professional office, commercial, and industrial property relates to the general welfare of the people of the city by preserving or enhancing the value of residential, professional office, commercial, and industrial property; and

WHEREAS, the accumulation of trash, junk, debris, nonliving plant material, or the excessive growth of grass, weeds, brush, or branches on residential, professional office, commercial, and industrial property, or the keeping of fill on residential property, is visually unpleasant to the reasonable person of average sensibilities and a visual nuisance in that it tends to depreciate the value of neighboring property, thereby injuring the general welfare; and

WHEREAS, Winter Garden having become an urbanized city, many agriculturally zoned lands in Winter Garden have a residential, nonagricultural, commercial, or industrial use. In recognition of this fact, agriculturally zoned property with such a nonagricultural use shall therefore be subject to the procedures and requirements of this article; and

WHEREAS, the taxpayers are being required to fund the enforcement of lot cleanings several times a year, for the same lot, in some cases; and

WHEREAS, the City of Winter Garden therefore believes that punitive measures should be taken to deter an owner from neglecting his property if more than one (1) city notice of lot cleaning is issued in a given year; and

WHEREAS, in view of the need to deter such second, third, etc. re-cleaning, the board hereby finds that a fine is necessary, to be imposed over and above a special assessment lien, in case of multiple violations.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: **Authority:** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: **Adoption:** The following Sections shall be included in Article I of Chapter 38 of the Winter Garden Code of Ordinances and shall read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

DIVISION 2. PUBLIC NUISANCES

~~Sec. 38-56. Conditions:~~

~~(a) The existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life or stagnant water, rubbish, debris, trash and all other objectionable,~~

~~unsightly or unsanitary matter upon any lot, tract or parcel of land within this city to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals or may furnish a breeding place for mosquitoes or threatens or endangers the public health, safety, or welfare or may reasonably cause disease or adversely affects and impairs the economic welfare of adjacent property is prohibited and declared to be a public nuisance and unlawful unless neatly arranged for removal.~~

~~(b) It shall be unlawful for any owner of land adjacent to a public street, road, right of way or sidewalk to create or allow to be created or maintained on such property any condition of a general nuisance nature and menace to the public health, safety and welfare or any condition creating a circumstance whereby the property or the safety of persons traveling upon the streets, road rights-of-way or sidewalks of the city is endangered.~~

~~(Code 1988, § 11-35)~~

~~Sec. 38-57. Storing of refuse.~~

~~No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the city, except in proper containers for collection or under express approval granted by the city. No person shall throw or deposit any refuse in any lake, stream, ditch or other body of water.~~

~~(Code 1988, § 11-36)~~

~~**Cross references:** Solid waste, ch. 58.~~

~~Sec. 38-58. Unauthorized accumulation.~~

~~Any unauthorized accumulation of refuse on any premises is declared to be a public nuisance and is prohibited. Failure to remove any accumulation of refuse within such period as may be fixed in a written or printed notice of the city posted on the premises shall be deemed a violation of this division and may be abated or removed with costs therefor assessed against the property as prescribed in section 38-91.~~

~~(Code 1988, § 11-37)~~

~~**Cross references:** Solid waste, ch. 58.~~

~~Sec 38-56—38-58. Reserved~~

Sec. 38-59. Scattering of refuse.

No person shall cast, place, sweep, or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into any occupied premises within the city.

(Code 1988, § 11-38)

Sec. 38-60. Duty to keep premises clean.

It shall be unlawful for the occupant or, if there is no occupant, the owner of any house, yard, store, lot or land to refuse to keep the house, yard, store, lot or land clean or to permit any trash, weeds or any offensive matter of any kind to accumulate in and upon such premises.

(Code 1988, § 11-39)

Sec. 38-61. Discharging foul water or depositing decaying matter.

No person shall discharge on any street or alley or on his own premises or the premises of another any foul or fetid water or fluid substance nor shall any person throw thereon any decaying flesh or vegetable or other offensive or noisome matter.

(Code 1988, § 11-40)

Sec. 38-62. Mosquito breeding places.

(a) It shall be unlawful for any person to have, keep, maintain, cause or permit within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

(b) Collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, urns, cans, boxes, bottles, tubs, buckets, defective house gutters or similar water containers.

(c) The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there.

(d) Collections of water in which mosquitoes breed or are likely to breed shall be treated by such one or more of the following methods as shall be approved by the city health officer:

- (1) Screening with wire netting of at least 16 meshes to the inch each way or any other material which will effectually prevent the ingress or egress of mosquitoes.
- (2) Complete emptying unscreened containers every seven days, together with their thorough drying or cleaning.
- (3) Using a larvicide approved and applied under the direction of the city health officer.
- (4) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven days.
- (5) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.
- (6) Filling or draining to the satisfaction of the city health officer.
- (7) Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

(e) For the purpose of this section, the person responsible for the condition of any premises as defined by subsection (b) of this section is the owner or the person using or occupying the premises or, if no person is using or occupying the premises, the person who by law is entitled to the immediate possession of the premises or, if the premises are used or occupied by two or more tenants of a common landlord or from grounds appurtenant to a house occupied by two or more tenants of a common landlord, the landlord. Each tenant, however, is responsible for that part of the premises which he occupies to the exclusion of the other tenants. If the premises are occupied by a tenant under a yearly or monthly tenancy or under a lease for not more than a year or under any lease whereby the lessor is expressly or impliedly obligated to keep the premises in repair, and the collection of standing or flowing water in which mosquitoes breed or are likely to breed is owing to the disrepair of the building or to any natural quality of the premises or to any condition that exists at the time when the tenant entered into possession or to anything done on the premises by the landlord during the existence of the tenancy or lease, the landlord is the person responsible. Any person who has caused to exist, on any premises of which he is not the owner, landlord, occupant, or tenant, any collection of water in which mosquitoes breed or are likely to breed is responsible, as well as the owner, landlord, tenant, or occupant, as the case may be.

(f) The maintenance of a place which constitutes a mosquito breeding place is a public nuisance and may be abated against the responsible person, as defined in subsection (e) of this section, in the manner provided in division 2 of article II of chapter 2 or may be removed, with cost therefor assessed against the property as prescribed in section 38-93.

(Code 1988, §§ 11-41--11-46)

Secs. 38-63--38-90. Reserved.

DIVISION 3. ABATEMENT PROCEDURE-Lot Cleaning

~~Sec. 38-91. Notice to remove; hearing.~~

~~(a) If the city manager finds and determines that a public health nuisance as described and declared in division 2 of this article exists, he shall so notify the record owner of the offending property in writing and demand that such owner cause the condition to be remedied. The notice shall be given by both physical posting on the property in the title of "property owner" and by delivery to the owner as his name and address is shown upon the records of the county tax appraiser. Notice shall be deemed complete and sufficient when so physically posted and deposited in regular United States mail addressed as described in this subsection with proper postage prepaid. If regular mail delivery to the owner of the property cannot be accomplished, after reasonable search for the owner, the physical posting of the notice on the property will be deemed sufficient.~~

~~(b) The notice shall be in substantially the following form:~~

NOTICE OF PUBLIC NUISANCE

NAME OF OWNER: _____

ADDRESS OF OWNER: _____

Our records indicate that you are the owner(s) of the following property in the City of Winter Garden, Florida: (description of property)

An inspection of this property discloses, and I have found and determined, that a public nuisance exists thereon so as to constitute a violation of section 38-56 of the Code of the City of Winter Garden in that: (description of the condition which places the property in violation)
You are hereby notified that unless the condition above described is remedied within 15 days from the date hereof, the City will remedy this condition and the cost of the work, plus a charge equal to 100 percent of the cost of the work to cover City administrative expenses, will be assessed the property owner. If not paid within 30 days after receipt of billing, the invoice amount, plus advertising costs, will be imposed as a lien on the property.
Within 15 days from the date hereof, you may make written request to the Code Enforcement Board of the City of Winter Garden for a hearing before that body for the purpose of showing that the above listed condition does not constitute a public nuisance.

CITY OF WINTER GARDEN

City Code Inspector

~~(c) Within 15 days after the mailing, serving or posting of notice to him, the owner of the property may make written request to the code enforcement board for a hearing before that body to show that the condition does not constitute a public nuisance. At the hearing the city and the property owner may introduce such evidence as is deemed necessary.~~

~~(Code 1988, § 11-4)~~

~~Sec. 38-92. Removal by city.~~

~~(a) If, within 15 days after mailing, serving or posting of the notice as provided in section 38-91, no hearing has been requested and the condition described in the notice has not been remedied, the city manager shall cause the condition to be remedied by the city at the expense of the property owner. If a hearing has been held and has concluded adversely to the property owner, the city manager may cause the condition to be remedied by the city at the expense of the property owner unless the code enforcement board otherwise directs.~~

~~(b) If the subject property is secured by locks or otherwise, the city shall have the authority to enter the property for purposes of remedying the violative condition, and any additional costs incurred by the city in gaining access to the property or in resecuring the property after cleaning shall be considered expenses of remedying the condition.~~

~~(Code 1988, § 11-5)~~

~~Sec. 38-93. Collection of costs; lien.~~

~~(a) After causing the condition to be remedied as provided in section 38-92, the city manager shall certify to the city clerk the expense incurred in remedying the condition, whereupon such expense, plus a charge equal to 100 percent of such expense to cover city administrative expenses, plus advertising costs, shall become payable within 30 days, after which a special assessment lien and charge will be made upon the property, which shall be payable with interest at the rate of 12 percent per annum from the date of such certification until paid.~~

~~(b) Such lien shall be enforceable in the same manner as a tax lien in favor of the city and may be satisfied at any time by payment thereof, including accrued interest. Notice of such lien may be filed in the office of the clerk of the circuit court and recorded among the public records of the county.~~

~~(Code 1988, § 11-6)~~

~~Sec. 38-94. Court proceedings.~~

~~The city attorney is authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which a lien has been filed pursuant to section 38-93.~~

~~(Code 1988, § 11-7)~~

~~Secs. 38-95-38-120. Reserved.~~

Sec. 38-91. Delegation of authority.

The board of city commissioners hereby designates the Building Official, Code Enforcement Division of the City as the Enforcement Official of this article and delegates to the Code Enforcement Division Manager the authority to enforce the provisions of this article, including the authority to cause any violation of this article to be terminated and abated, and the authority to

impose a lien, and request the board to impose a special assessment lien upon any lot, tract or parcel of property for the actual cost of terminating and abating such violation.

Sec. 38-92. Purpose and intent.

The purpose and intent of this article is to prohibit the accumulation of junk, trash, debris, nonliving plant material upon any residential, professional office, commercial or industrial lot, tract, or parcel of land, whether improved or unimproved, and the excessive growth of grass, weeds, brush or branches upon any residential, professional office, commercial or industrial lot, tract or parcel of land, whether improved or unimproved, and the keeping of fill on any residential lot, tract or parcel of land, whether improved or unimproved, where, a result of any such condition, such lot, tract or parcel of land becomes inhabited by, or provides a habitat for rodents, vermin, reptiles or other wild animals, is or provides a breeding place for mosquitoes, or such lot, tract or parcel is a place or is reasonably conducive to serving as a place for illegal or illicit activity to occur, or otherwise threatens or endangers the public health, safety or welfare, reasonably cause sickness or disease, or adversely affects and impairs the economic value or enjoyment of surrounding or nearby property.

Sec. 38-93. Definitions.

For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:

Actual cost shall mean the actual contract amount, as invoiced by an independent contractor, for terminating and abating a violation of this article on any lot, tract or parcel of residential or commercial property pursuant to an order of the zoning director, plus the cost of serving notice, obtaining title information, advertising and recording any liens imposed hereunder.

Building Official shall mean the Director of Code Enforcement.

Code enforcement Division Manager shall mean the Manager of the Winter Garden Code Enforcement Division, or authorized designee.

Code enforcement Inspector shall mean a Code Enforcement Division Inspector of the Code Enforcement Division, and may include the Code Enforcement Division Manager.

Compost bin shall mean a container which is designed for the purpose of allowing plant material to decompose for use as fertilizer. For purposes of this article, any such compost bin shall be constructed of wire, wood lattice or other material which allows air to filter through the structure. The maximum permissible capacity for any compost bin shall be sixty-four (64) square feet with a maximum height of five (5) feet.

Excessive growth shall mean, grass, weeds or brush that has reached a height of at least eighteen (18) inches.

Exterior portion of any building shall mean those portions of a building which are open-sided, such that the open space within such portions of the building may be lawfully viewed by the public or any member thereof from a sidewalk, street, alleyway, parking lot or from any adjoining or neighboring premises. This definition includes such open-sided structures as carports and porches.

Exterior portion of the property shall mean those portions of a lot, tract or parcel of land which is either (1) outside of any building erected thereon, or (2) if there is no building erected thereon the entire lot, tract or parcel, regardless of whether such portions are exposed to public view or are surrounded by a fence, wall, hedge or other similar

structure. For purposes of this article, the term "exterior portion of the property" shall include the "exterior portion of any building" only where specifically stated.

Fill shall mean material such as dirt that is imported and deposited on property by artificial means.

Garbage container shall mean a container made of nonabsorbent material provided with a close-fitting cover, side bail handles, and of thirty-two (32) gallons or less gross capacity, capable of receiving and holding waste material without leakage or escape of odors, or a waterproof bag of strength and material capable of receiving and holding waste material without leakage or escape of odors.

Grass, weeds, or brush shall mean any grass or weeds, or brush typical of the state which, when allowed to grow in a wild and unkempt manner, will reach a height of eighteen (18) inches or more. This definition does not include bushes, shrubs, trees, vines, flowering plants, or any other living plant life typically used and actually being used for landscaping purposes.

Imminent public health threat shall mean the condition of any lot, tract or parcel or land that, because of the accumulation of junk, trash, or debris, such as broken glass, rusted metal, automotive and appliance parts, some of which may contain chemicals, such as Freon, oils, fluids, etc., may cause injury or disease to humans or contaminate the environment, or the condition of any lot, tract or parcel that, because of the excessive growth of grass, weeds, bush or is a harbor for criminal activity.

Improved property shall mean any lot, tract or parcel of land in the city used for residential, commercial, professional office or industrial purposes which contains one or more buildings or structures, paving or other improvements, excluding solely underground utilities, pipes, wires, cable culverts, conduits or other similar improvements.

Mechanical garbage container shall mean any portable, nonabsorbent container approved by the board of city commissioners which is used to store large volumes of refuse and which is emptied by mechanical means.

Nonliving plant material shall mean nonliving vegetation such as leaves, grass cuttings, shrubbery cuttings, tree trimmings and other material attending the care of lawns, shrubs, vines and trees.

Property shall mean any lot, tract or parcel of land, or portion thereof, whether improved or unimproved, that is utilized or zoned for residential, commercial, professional office or industrial use, or any lot, tract or parcel of land, or portion thereof, and adjacent right-of-way, whether improved or unimproved, that is zoned agricultural but is being utilized, as determined by the code enforcement division manager, for residential, nonagricultural commercial, professional office or nonagricultural industrial use.

Trash, junk and debris shall mean waste material, including, but not limited to, putrescible and nonputrescible waste, combustible and noncombustible waste, and generally all materials such as paper, cardboard, tin cans, lumber, concrete rubble, glass, bedding, crockery, household furnishings, household appliances, dismantled pieces of motor vehicles or other machinery, rubber tires or rusted metal articles of any kind.

Unimproved property shall mean any lot, tract or parcel of land in the city used for residential, commercial, professional office or industrial purposes which does not contain any buildings or structures, paving or other improvements, but may include solely underground utilities, pipes, wires, cables, culverts, conduits or other similar improvements.

Separate Offense shall mean a violation that exist more than 24 hours after proper notice.

All other words and terms shall be from the latest edition of Webster Dictionary.

Sec. 38-94. Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, commercial or industrial use.

(a) Subject to subsection (b), no owner, agent, custodian, lessee or occupant of property utilized or zoned for residential, professional office, commercial, or industrial use shall permit the accumulation of trash, junk, debris, or nonliving plant material on any exterior portion of the property, including the exterior portion of any building located thereon. Accordingly, such owner, agent, custodian or occupant shall maintain and keep the property free of accumulation of trash, junk, debris, and nonliving plant material.

(b) Subsection (a) shall not be construed to prohibit any of the following:

(1) The storage of trash, junk, debris and nonliving plant material in garbage containers or mechanical garbage containers which comply with all applicable ordinances relating to solid waste collection;

(2) The storage of nonliving plant material in compost bins; or

(3) Keeping wood on the property for use as fuel, provided: Such wood shall be piled, stacked, bundled, or corded and the area surrounding the piles, stacks, bundles or cords shall be free of excessive growth of grass, weeds, brush and branches; and

(4) Trash, junk, debris and nonliving plant material placed on property at a properly permitted and licensed junkyard, landfill or recycling operation operating in compliance with all applicable city, county, state and federal regulations.

Sec. 38-95. Excessive growth of grass, weeds, and brush on property utilized or zoned for residential, professional office, commercial or industrial use.

(a) Subject to subsection (b), no owner, agent, custodian, lessee or occupant of property utilized or zoned for residential, professional office, commercial, or industrial use shall permit the excessive growth of grass, weeds, or brush on any exterior portion of the property. Accordingly, such owner, agent, custodian, lessee or occupant shall cut, trim or remove such vegetation, and keep such vegetation cut, trimmed or removed, so that it is not in a state of excessive growth.

(b) Except in those cases where there is an imminent public health threat as determined by the code enforcement division manager or his or her delegates, subsection (a) shall not be construed to prohibit property vegetative growth that is a mature Florida ecological community, as defined by the soils conservation service in its publication entitled, 26 Ecological Communities in Florida, or any similar successor publication, (such publication shall be kept on file with the code enforcement division manager).

Sec. 38-96. Compost bins.

Accumulations of nonliving plant material may be permitted to remain on property utilized or zoned for residential, professional office, commercial, or industrial use provided that such debris is stored in a compost bin. No more than two (2) compost bins per primary structure shall be allowed to remain on any particular lot, tract or parcel of property. In addition, the area

surrounding any compost bin shall be kept free of excessive growths of grass or weeds in order to prevent rodents, vermin, reptiles or other wild animals from living and breeding around the base of or inside of the bin. Compost bins shall be adequately screened. A compost bin shall not be located in the front yard in front of the principal structure and shall not be located within ten (10) feet of any side or rear property line. In addition, for purposes of reverse corner lots and side street yard lots, compost bins shall be treated as structures and shall comply with applicable regulations.

Sec. 38-97. Responsibility for non-compliance.

The owner, custodian, lessee, occupant or agent of property upon which a violation of section 38-94 or 38-95 occurs shall be jointly and individually responsible for not complying with sections 38-94 or 38-95.

Sec. 38.98. Enforcement; abatement of nuisance.

(a) First violation.

(1) Whenever a code enforcement Inspector reports to the code enforcement division manager that there appears to be a violation of section 38-94 or 38-95, the code enforcement division manager shall direct that a notice of violation be served upon the owner, and, if applicable, the agent, custodian, lessee or occupant, directing such owner, and, if applicable, the agent, custodian, lessee or occupant, to terminate and abate the violation within ten (10) calendar days of the date such notice is received by certified mail, hand-delivered or posted. For purposes of this article, the term "notice is received" means the date the owner, agent, custodian, lessee or occupant initials or otherwise indicates his receipt of the notice of violation. However, in the event the notice of violation is not accepted or is returned, the term "notice is received" shall mean ten (10) calendar days after the later of the date the notice of violation was mailed or the property was posted. The code enforcement division manager shall, within five (5) days of the date the notice is mailed, cause a sign to be placed upon the property in a conspicuous and easily visible location. The sign shall be at least eight and sufficient description by address and/or legal description to identify the property upon which the violation exists; a description of the violation to be terminated and abated; and a statement that if the described violation is not terminated and abated within ten (10) calendar days after notice is received the code enforcement division manager shall cause the violation to be terminated and abated, and to impose a special assessment lien upon the property for the actual cost of such termination and abatement, plus administrative expenses. For purposes of this section "notice is received" the day it is served upon the property owner, or the date the property is posted with said notice, or five (5) days after said notice is mailed to the property owner, postage prepaid. A preliminary nonbinding, minimum estimate of the cost of termination and abatement shall be provided as part of the notice of violation. The estimated cost of termination and abatement shall be based upon the then current rate as may be established by the board of city commissioners.

(2) The notice of violation shall further state in bold and conspicuous letters that if such violation, within the ten-day period prescribed by subsection (a) of this section:

a. Has not been terminated and abated; or

b. Has not been timely appealed in accordance with section 38-99; or

c. Has been timely appealed but the appeal process proves unsuccessful, then the code enforcement division manager shall cause the violation to be terminated and abated, and the actual cost of such termination and

abatement, plus expenses, shall constitute a special assessment lien on the property in accordance with section 38-100.

- (b) If weeds, excessive growth of grass or plant material are permitted to grow or accumulate on private property in violation of this article more than one (1) time during the same growing season, and a prior violation of this article was set before the code board during such growing season in the manner set forth in section 38-98 of this Code, then the Director of Code Enforcement, or his/her duly authorized agent, may, without further notification, remove such noxious growths in the manner set forth in section 38-98 of this Code, and may collect the total cost of such removal in the manner set forth in section 38-98 of this Code. The Director of Code Enforcement or designee may hire and enter into contracts with independent contractors to destroy or remove such weeds, excessive growth of grass or plant material.
- (c) Imminent health threat (first and subsequent violations). In a case involving a condition which poses an imminent public health threat, the code enforcement division manager may authorize the immediate termination and abatement of the condition. However, an after-the-fact notice shall be provided not later than five (5) days after the termination or abatement of the condition pursuant to the procedures described in subsection (a) above, where the notice is for a first violation, and the notice shall explain how the code enforcement division manager determined that the property contained a condition which posed an imminent public health threat requiring its immediate termination and abatement, that the property has been cleaned of the condition, and that the aggrieved party may file a notice of appeal to show that the property did not contain such violation.
- (d) If the owner or owners or other person in control of any property described in section 38-98 of this Code fails to destroy the weeds, excessive growth of grass or other plant material and thereby abate the nuisance within ten (10) days after the notice described in Section 38-98 is delivered, the Director of Code Enforcement or designee, shall cause such weeds, excessive growth of grass or other plant material to be destroyed by one of the methods set forth in section 38-98 of this Code. The Director of Code Enforcement or designee may hire and enter into contracts with independent contractors to destroy or remove such weeds, excessive growth of grass or other plant material.
- (e) Upon the completion of the destruction of such noxious growths by the director of public works, or by a person authorized by contract, the director of public works, or his duly authorized agent, shall cause the total cost of such work to be determined and by report certify the same to the city clerk.
- (f) Upon approval of such report by the Code Enforcement Manager, the Code Enforcement Manager shall endorse the report and shall cause the certified cost to be included in a special tax bill to be collected by the Orange County Tax Collector. The special tax bill shall include a charge of thirty dollars (\$30.00) for each inspection of the property and the giving of notice plus the cost of abatement as determined by the Director of Code Enforcement. In the event the tax collector is unable to collect the certified cost on the special tax bill within ninety (90) days of the due date, the director of code enforcement and Orange County tax collector shall cause the certified cost to be added to the annual real estate tax bill for the property and the certified cost shall be collected in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid when due, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a first lien on the property until paid. In the event a lawsuit is required to enforce the tax bill, the

city may charge the property owner costs of collecting the tax bill including attorneys' fees

Sec. 38.99. Appeals.

- (a) Within the ten-day (10) period prescribed by subsection 38-98 after notice is received, an aggrieved party may appeal the code enforcement division manager's determination that a notice of violation is warranted for the property in question (see subsection 38-98 or that the property did not contain a condition which posed an imminent public health threat (see subsection 38-98 (c)).
- (b) An appeal by an aggrieved party shall:
 - (1) Be accompanied by a filing fee as determined by the board of city commissioners; and
 - (2) Be addressed to the code enforcement division manager; and
 - (3) Be either hand-delivered to the code enforcement division manager or postmarked within the ten-day period after notice is received.
- (c) Upon receipt of a timely appeal, the code enforcement manager shall schedule a hearing date before the code enforcement board.
- (d) At the hearing, the code enforcement board shall allow the code enforcement division manager or designee(s) and the aggrieved party an opportunity to present evidence and to examine and cross-examine witnesses. After considering the evidence and testimony, the hearing Inspector or code enforcement board shall make a factual determination as to whether the property is (or was, with respect to subsection 38-98 in violation of this article. If the hearing Inspector or code enforcement board makes a factual determination that the property is (or was) in violation of this article, he shall affirm the code enforcement division manager's issuance of the notice of violation and, with respect to an appeal brought under subsections 38-99 and 38-100 issue an order requiring the aggrieved party to promptly clean the property in order to terminate or abate the violation, or, with respect to an appeal filed under subsection 38-98 (c) issue an order holding that the conditions constituted an immediate public health threat requiring its immediate termination or abatement. If the aggrieved party has not remedied the violation within five (5) calendar days after the date of the code enforcement board's written order holding that this article has been violated, then the code enforcement division manager may have the property cleaned, and the property owner shall be responsible for such costs and related expenses. If the code enforcement board makes a factual determination that the property is not (or was not, with respect to subsection 38-98 in violation of this article, then the filing fee shall be returned to the aggrieved party, and, with respect to an appeal filed under subsection 38-99 the city shall be responsible for the costs of cleaning the property.
- (e) Appeal of the code enforcement board decision, whether it is a first or subsequent offense, or an imminent health threat, shall be filed in a timely manner with the circuit court under the provisions of section 71 of the Winter Garden Code.

Sec. 38.100. Liens; assessment.

- (a) The actual cost and administrative expenses of a termination and abatement of a violation of this article when such termination and abatement is accomplished under the direction of the code enforcement division manager shall be levied and constitute a special assessment lien against the property as set forth in subsection (c).
- (b) Prior to approving and recording a claim of special assessment lien pursuant to subsection (c), the city shall, by hand or certified mail, return receipt requested,

deliver or send a notice of assessment of costs to the last known owner of record of the subject real property. If the assessment is not paid or arrangements satisfactory to the city have not been made to pay such assessment within thirty (30) days after return of the receipt, then the claim of special assessment lien may be approved and recorded.

(c) After the violation of this article is abated in accordance with this article and complies with the requirements of subsection (b), the city is authorized to approve and record a claim of special assessment lien in the official records of the city. The claim of special assessment lien is subject to the following conditions and requirements as set forth in Section 2-69 in the Winter Garden Code.

Sec. 38.101. Opposing, obstructing or resisting code inspector.

No person shall oppose, obstruct or resist any code inspector or any person authorized by the code inspector in the discharge of his duties as provided in this article.

Sec. 38.102. No liability for reasonable, good-faith trespass by code inspector.

Any code inspector shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon property utilized or zoned for residential, professional office, commercial, or industrial use while in the discharge of duties imposed by this article.

Sec. 38.103. Exemption.

This article shall not apply to junk dealers and scrap metal processors who are duly licensed to pursue such occupations under section 66-104.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____ December 13 _____, 2007.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

City of Winter Garden Regular Commission & Community Redevelopment Agency Agenda
January 10, 2008

KATHY GOLDEN, City Clerk

RESOLUTION 08-01

A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA;
AMENDING SECTION 118-135, REVIEW FEES FOR VARIANCE
REQUESTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 12, 2007 the City of Winter Garden adopted Ordinance 07-22, amending the development fee schedule;

WHEREAS, Ordinance 07-22 allows amendments to the fee schedule by resolution;

WHEREAS, Section 118-135 is in conflict with Ordinance 07-22 regarding the fee schedule for variance requests;

WHEREAS, the City desires to amend Section 118-135 to comply with Ordinance 07-22.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I - The foregoing recitals are true and correct and are incorporated herein.

SECTION II – Section 118-135 is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Section 118-135. Review Fees. Under this division, review fees shall be \$75.00 for ~~a variance for a single-family residential development fences, sheds, and other non-habitable structures,~~ \$100.00 for single-family residential additions and substandard lots, and \$150.00 for all other variance requests.

SECTION III This resolution shall take effect immediately upon its final adoption by Winter Garden City Commission.

PASSED AND RESOLVED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

Jack Quesinberry, Mayor/ Commissioner

ATTEST:

Kathy Golden, City Clerk

RESOLUTION NO. 08-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA REQUESTING THE EXPENDITURE OF MONEY IN OPPOSITION OF THE PROPOSED CONSTITUTIONAL AMENDMENT TO SERVE A PUBLIC PURPOSE; PROVIDING THAT THE DISSEMINATION OF INFORMATION CONCERNING THE IMPACTS OF THIS AMENDMENT ON THE CITIZENS OF THE CITY IS ESSENTIAL TO THE HEALTH, SAFETY, PROTECTION AND WELFARE OF THE CITY AND ITS CITIZENS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has placed an amendment to the State Constitution on the January 29th, 2008 ballot; and

WHEREAS, the City of Winter Garden desires that its citizens be fully informed as to the impact of this proposed amendment; and

WHEREAS, the dissemination of information concerning the impacts of this amendment on the citizens of the city is essential to the health, safety, protection and welfare of the city and its citizens; and

WHEREAS, the City Commission believes that it is a duty of local democratic government to assist its citizens in understanding issues of great importance to them by providing information in order that they may make an informed choice; and

WHEREAS, the City Commission believes that such municipal leaders have a duty and a right to offer their opinion as to which course of action they think would be best for the City and its citizens, and that such use of their offices is clearly for a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA that:

Section 1. Recitals. The foregoing recitals are hereby affirmed and ratified.

Section 2. Request Expenditure. The City of Winter Garden requests to expend public funds and resources, to utilize the time of its employees, and to utilize its various methods of communication (including but not limited to television, print, and internet communications) in order to communicate to the public concerning the proposed referendum question which is attached hereto as Exhibit A and the impact it will have on the City and its citizens.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND RESOLVED THIS _____ DAY OF _____, 2008.

BY: _____
Jack Quesinberry, Mayor/Commissioner

ATTEST:

BY: _____
Kathy Golden, City Clerk

RESOLUTION NO. 08-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2008 LEGISLATIVE SESSION; PROVIDING FOR DELIVERY TO GOVERNOR CRIST, SENATE PRESIDENT PRUITT, HOUSE SPEAKER RUBIO AND MEMBERS OF THE FLORIDA LEGISLATURE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as Florida's population continues to increase, cities are challenged to meet the service demands and infrastructure needs to account for new growth; and

WHEREAS, a majority of Florida's municipalities are challenged to meet the increasing infrastructure, affordable housing, transportation, and water quality needs of their citizens; and

WHEREAS, the state has imposed greater accountability in comprehensive planning and fiscal feasibility standards on municipalities; and

WHEREAS, Florida's municipalities are dependent on other governmental entities for financial stability and presently the state, counties, and school districts control every funding sources that has been authorized for implementing growth management capital improvements and complying with concurrency requirements; and

WHEREAS, municipal self-determination and local self-government are constantly under attack from a variety of public and private interests; and

WHEREAS, the role and function of municipal government is constantly evolving from new demands from its citizens and businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA that:

Section 1. Recitals. The foregoing recitals are hereby affirmed and ratified.

Section 2. Request Support. The City of Winter Garden urges Governor Charlie Crist and members of the Florida Legislature to support legislation that:

- Reauthorizes the affordable housing trust funds, preserves the documentary stamp fee as the trust funds' funding sources and removes the legislative cap on fund distribution;
- Enhances public notice of and participation in state environmental permitting processes;
- Fully funds state growth management mandates and provides municipalities with state and local option revenue sources to meet financial feasibility requirements and infrastructure demands;
- Allows municipalities and counties to reclassify businesses, professions, and occupations and establish new rate structures for local business taxes on a periodic basis;
- Enhances municipal control over municipal employee pension plan management and funding;
- Preserves and protects property rights of mobile home owners, when mobile home parks are rezoned, but not in a manner that requires removal costs to be the responsibility of local governments;
- Broadens municipal home rule and other authority to issue tax-increment financed bonds and other forms of indebtedness without approval by referendum;

- Provides an equitable, dedicated and recurring revenue source for municipal transportation projects and opposes legislation that transfers or diverts state transportation trust fund revenues to balance the state budget;
- Prohibits the Florida Department of Transportation from eliminating, deferring, or delaying capacity improvement projects contained in the 5-year Work Plan when it negatively impacts the comprehensive plan of the local government;
- Authorizes the use of electronic traffic infraction detectors at traffic intersections; and
- Maintains or increases funding of the state Water Protection and Sustainability Trust Fund.

Section 3. **Delivery.** Once passed, a copy of this resolution shall be delivered to Governor Charlie Crist, Senate President Ken Pruitt, House Speaker Marco Rubio, and members of the Florida Legislature.

Section 4. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND RESOLVED THIS _____ DAY OF _____, 2008.

BY: _____
Jack Quesinberry, Mayor/Commissioner

ATTEST:

BY: _____
Kathy Golden, City Clerk