



**CITY COMMISSION AGENDA
CITY HALL COMMISSION CHAMBERS
300 W. Plant Street**

REGULAR MEETING

MAY 14, 2009

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES** - Regular Meeting of April 23, 2009
2. **PRESENTATION** of Proclamation 09-03 declaring May as Neurofibromatosis Awareness Month – Mayor Rees
3. **FIRST READING OF PROPOSED ORDINANCE**
 - A. **Ordinance 09-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 78-55 AND 78-57 OF CHAPTER 78, CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN, REDUCING THE WATER AND SEWER SERVICES READINESS TO SERVE CHARGE TO FIFTY PERCENT (50%) OF THE APPLICABLE MONTHLY SERVICE CHARGE FOR METERED ACCOUNTS DURING MONTHS OF ZERO CONSUMPTION; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for May 28, 2009** – Finance Director Hayes
4. **THIRD READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**
 - A. **Ordinance 09-11:** AN ORDINANCE OF THE CITY COMMISSION OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 94; ARTICLE IV OF THE WINTER GARDEN CODE OF ORDINANCES AND REPEALING ORDINANCE 94-134 AND CREATING THE FOLLOWING SECTION THEREOF: ORDINANCE NO. 09-11; ARTICLE IV WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION, PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE – Public Services Director Cochran

5. **REGULAR BUSINESS**

- A. Request for approval of a Locally Funded Agreement between the City and Florida Department of Transportation on the State Road 50 road project – City Manager Bollhoefer

6. **MATTERS FROM CITIZENS** (*Limited to 3 minutes per speaker*)

7. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman

8. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer

- A. Report on Highway 50 landscaping and construction

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on May 28, 2009 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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.

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.

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, 300 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE NO. 09-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 78-55 AND 78-57 OF CHAPTER 78, CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN, REDUCING THE WATER AND SEWER SERVICES READINESS TO SERVE CHARGE TO FIFTY PERCENT (50%) OF THE APPLICABLE MONTHLY SERVICE CHARGE FOR METERED ACCOUNTS DURING MONTHS OF ZERO CONSUMPTION; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden imposes upon metered water and sewer accounts a readiness to serve charge on inactive accounts with no monthly consumption in order to off-set the costs of City maintenance of water and sewer capital improvements connected to metered properties; and

WHEREAS, the readiness to serve charge for water and sewer accounts was adopted on January 13, 2000 pursuant to Ordinance No. 99-64, as amended by Ordinance No. 00-21, and codified in Sections 78-55 and 78-57, Code of Ordinances of the City of Winter Garden; and

WHEREAS, due to the depressed economy and real estate market, the City desires to reduce the readiness to serve charge by fifty percent on water and sewer accounts in order to relieve part of the financial stress on metered account holders during months of no consumption.

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

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: Section 78-55 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 78-55. Basic rate schedule for water and sewer service.

(a) The basic rate for water service shall be as follows:

Bills rendered on or after April 1, 2000:

TABLE INSET:

	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
Residential Single Family Service	\$5.25 per dwelling unit	0--10,000	\$0.86
		10,001--15,000	1.07
		Above 15,000	1.28
Residential Multi-Family Service	3.68 per dwelling unit	0--7,000 per unit	\$0.86
		7,001--10,000 per unit	1.07
		Above 10,000 per unit	1.28
General Service or Commercial			
<i>Meter size</i>			
5/8" × 3/4"	\$ 5.25	All usage	\$ 0.99

City of Winter Garden City Commission
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1"	13.13	
1 1/2"	26.25	
2"	42.00	
3"	78.75	
4"	131.25	
6"	262.50	
8"	420.00	

Bills rendered on or after April 1, 2001

TABLE INSET:

	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
Residential Single Family Service	\$5.80 per dwelling unit	0--10,000	\$0.97
		10,001--15,000	1.20
		Above 15,000	1.44
Residential Multi-Family Service	4.06 per dwelling unit	0--7,000 per unit	\$0.97
		7,001--10,000 per unit	1.20
		Above 10,000 per unit	1.44
General Service or Commercial			
<i>Meter size</i>			
5/8" x 3/4"	\$ 5.80	All usage	\$ 1.11
1"	14.50		
1 1/2"	29.00		
2"	46.40		
3"	87.00		
4"	145.00		
6"	290.00		
8"	464.00		

Effective October 1, 2001, the rates shall be indexed by the Consumer Price Index, or two percent, whichever is greater, annually for the next three years. All rates shall have a 25 percent surcharge for customers outside of the city limits.

(1) *Readiness to serve charge.* For any month that a metered account has zero water consumption, such account will be charged a readiness to serve charge equal to fifty percent (50%) of the applicable monthly service charge. There shall be a charge for any metered account in which tenancy is involved. Upon vacancy of the property by the tenant, the owner of the property shall be billed a readiness to serve charge which shall be the base monthly service charge for all services provided.

(2) *Charges for unoccupied structures.* Whether occupied or unoccupied, all existing structures, once connected to the city's water system by a meter shall incur a monthly water charge and all structures once connected to the city's sewer system shall incur a monthly sewer charge, unless such structure is destroyed, condemned or demolished.

(b) The basic rate for sewer service shall be as follows:
 Bills rendered on or after April 1, 2000:

TABLE INSET:

	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
Residential Single Family Service	\$7.45 per dwelling unit	0--10,000	\$2.92
		Above 10,000	N/A
Residential Multi-Family Service	5.22 per dwelling unit	0--10,000 per unit	\$2.92
		Above 10,000 per unit	N/A
General Service or Commercial			
<i>Meter size</i>			
5/8" x 3/4"	\$ 7.45	All usage	\$ 2.92
1"	18.63		
1 1/2"	37.25		
2"	59.60		
3"	111.75		
4"	186.25		
6"	372.50		
8"	596.00		

Bills rendered on or after April 1, 2001:

TABLE INSET:

	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
Residential Single Family Service	\$8.30 per dwelling unit	0--10,000	\$3.25
		Above 10,000	N/A
Residential Multi-Family Service	5.81 per dwelling unit	0--10,000 per unit	\$3.25
		Above 10,000 per unit	N/A
General Service or Commercial			

<i>Meter size</i>			
5/8" × 3/4"	\$ 8.30	All usage	\$ 3.25
1"	20.75		
1 1/2"	41.50		
2"	66.40		
3"	124.50		
4"	207.50		
6"	415.00		
8"	664.00		

Effective October 1, 2001, the rates shall be indexed by the Consumer Price Index, or two percent, whichever is greater, annually for the next three years. All rates shall have a 25 percent surcharge for customers outside of the city limits.

(1) *Readiness to serve charge.* For any month that a metered account has zero sewer consumption, such account will be charged a readiness to serve charge equal to fifty percent (50%) of the applicable monthly service charge. ~~There shall be a charge for any metered account in which tenancy is involved. Upon vacancy of the property by the tenant, the owner of the property shall be billed a readiness to serve charge which shall be the base monthly service charge for all services provided.~~

(2) *Charges for unoccupied structures.* Whether occupied or unoccupied, all existing structures, once connected to the city's water system by a meter shall incur a monthly water charge and all structures once connected to the city's sewer system shall incur a monthly sewer charge, unless such structure is destroyed, condemned or demolished.

(c) If a commercial or residential user receives sewer service from the city but does not receive water service from the city, the water meter used for such units shall be the measuring instrument, unless it shall be found to be faulty or inaccurate by a qualified representative of the city;

(1) *Commercial.* If a commercial user's meter proves to be faulty or inaccurate or if there is no meter, the director of the utilities department shall estimate the sewage rate by using a figure of water flow at 25 gallons per day, per employee, or the city may install a meter at its option and at the expense of the consumer. All expenses incurred for the purposes of inspecting, testing, repairing and replacing of meters is to be borne by the user. All meters so installed must be compatible with the city's system, installed in a location approved by the city, and the city, at all times, shall have access to such meters for the purpose of inspecting, testing, repairing, replacing or reading such meter.

(2) *Residential.* If a residential user does not have a water meter, the residential user shall pay the maximum rate for sewer service. The maximum rates shall be assessed until the user installs at the user's expense a water or sewage meter that meets with the city's approval. All expenses incurred for the purpose of inspecting, testing, repairing and replacing of meters is to be borne by the user. All meters so installed must be compatible with the city's system, installed in a location approved by the city, and the city, at all times, shall have access to such meters for the purpose of inspecting, testing, repairing, replacing or reading such meter.

(d) The city commission has the right to negotiate or authorize the city manager to negotiate the service charge, but not the user charge, for institutions, public agencies, nonprofit organizations and others not covered in this section, when it is deemed in the best interest of the city. In all such cases, due consideration shall be given to the number of persons using the facility, the size or purpose of the building, the number of rooms and the estimated amount of sewage discharged into the sanitary sewer system. The rates shall be established by contract entered into between the city commission and such user without amendment of this article.

(e) If all water entering a user's premises will not be discharged into the city sanitary sewer system, a separate meter may be installed on the user's line which discharges into the sewer. Such meters shall be installed and maintained at the expense of the user, and the city shall at all times have access to such meters for the purpose of inspecting, testing, repairing, replacing, or reading such meters.

(f) If any user by use of such meters can prove to the satisfaction of the city manager that substantial amounts do not enter the sanitary sewer system, the sewer bill will be reduced in accordance with a written agreement. Copies of any such agreement shall be furnished to members of the city commission.

- (g) If any meter is damaged, destroyed or fails to register, the consumer will be billed for the period involved on a basis of the average water consumption for the preceding six months for all water and sewer services applicable.
- (h) When a consumer has made application for water service and has paid the installation or meter charges, the city shall not be required to refund these charges if the consumer later decides not to desire service after a new service has been installed to his premises, but shall retain such payments as liquidated damages.
- (i) Each commercial, industrial, business establishment or master-metered apartment user who discharges a waste with strength characteristics which exceed one or more of the strength characteristics of normal domestic waste shall pay an effluent charge. The effluent charge shall be proportional to the amount by which the waste characteristics exceed the levels for normal domestic waste. It shall be calculated as follows:
 - (1) *BOD (biochemical oxygen demand)* . Concentration in mg/l minus 204 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$55.43.
 - (2) *Suspended solids*. Concentration in mg/l minus 204 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$65.49.
 - (3) *Total nitrogen*. Concentration in mg/l minus 30 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$383.71.
 - (4) *Total phosphorus*. Concentration in mg/l minus 10 mg/l. This quantity multiplied by the metered water flow in thousands of gallons per month multiplied by 8.34 multiplied by \$496.06.
 - (5) *Total charge*. The total of subsections (i)(1) through (4) above, equals the total effluent charge.

Section 3: Section 78-57 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 78-57. Charges for water on separate meter used for irrigation only.

(a) *Application for irrigation system or irrigation meter*. All users of the city water system within the corporate limits of the city shall request a permit for the installation of an irrigation system and irrigation meter. An application must be completed and submitted to the utilities department for the installation of an irrigation system and irrigation meter prior to the issuance of a permit. The utilities department director may deny the issuance of a permit for an irrigation system or irrigation meter when the existing water main does not provide sufficient water volume/pressure to support the demands of an irrigation system without causing unacceptably low water pressure for other customers on the same water main.

(b) *Basic rate for separate meter, used for irrigation only*. The monthly charges for a separate meter, used for irrigation only, shall be as follows:

(1) A minimum monthly service charge per month for those billings where an irrigation meter is the only water meter installed shall apply in addition to the consumption charge indicated below. Outside the city limits, customers will be charged the monthly service charge at 125 percent.

Bills rendered on or after April 1, 2000:

TABLE INSET:

Irrigation Meter size	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
5/8" x 3/4"	\$ 5.25	0--10,000	\$ 1.07
1"	13.13	Above 10,000	1.28
1 1/2"	26.25		
2"	42.00		
3"	78.75		
4"	131.25		
6"	262.50		

8"	420.00	
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Bills rendered on or after April 1, 2001:

TABLE INSET:

Irrigation Meter size	Monthly Service Charge	Consumption Charge (Per 1,000 gallons)	
		Range	Amount
5/8" x 3/4"	\$ 5.80	0--10,000	\$ 1.20
1"	14.50	Above 10,000	1.44
1 1/2"	29.00		
2"	46.40		
3"	87.00		
4"	145.00		
6"	290.00		
8"	464.00		

Effective October 1, 2001, the rates shall be indexed by the Consumer Price Index, or two percent, whichever is greater, annually for the next three years. All rates shall have a 25 percent surcharge for customers outside of the city limits.

(1) *Users not within corporate limits.* Any irrigation meters installed for users who are not within the corporate limits of the city shall be assessed at 125 percent of the rates in this subsection.

(2) *Readiness to serve charge.* ~~For any month that a metered account has zero water consumption, such account will be charged a readiness to serve charge equal to fifty percent (50%) of the applicable monthly service charge. There shall be a charge for any metered account in which tenancy is involved. Upon vacancy of the property by the tenant, the owner of the property shall be billed a readiness to serve charge which shall be the base monthly service charge.~~

(3) *Charges for unoccupied structures.* Whether occupied or unoccupied, all existing structures, once connected to the city's water system by a meter shall incur a monthly water charge, unless such structure is destroyed, condemned or demolished.

(c) *Meter impact fee by meter size.* The meter impact fee by meter size shall be as follows:

TABLE INSET:

Meter Size (inches)	Impact Fees[1]
3/4	\$536.00
1	1,310.00
1 1/2	2,096.00
2	2,995.00

(d) *Meter installation charges.* Installation charges shall be the costs of labor and materials, including, but not limited to, the costs of the meters, meter boxes, corporation stops, valves, and appurtenances thereof, plus a surcharge of 20 percent to cover engineering and administration costs.

(e) *Residential use of irrigation meter installation.* Only three-quarter-inch size irrigation meters are authorized for installation on residential lots for irrigation purposes for those customers which receive both individually metered domestic and irrigation service from a single service connection.

Section 4: Codification: Sections 2 and 3 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

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; however the reduced water and sewer readiness to serve charge will be retroactive to commence June 1, 2009.

FIRST READING: May 14, 2009

SECOND READING AND PUBLIC HEARING: May 28, 2009

ADOPTED this _____ day of _____, 2009, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

John Rees, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE NO. 09-11

AN ORDINANCE OF THE CITY COMMISSION OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 94; ARTICLE IV OF THE WINTER GARDEN CODE OF ORDINANCES AND REPEALING ORDINANCE 94-134 AND CREATING THE FOLLOWING SECTION THEREOF: ORDINANCE NO. 09-11; ARTICLE IV WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION, PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the St. Johns River Water Management District has responsibility and exclusive authority under Chapter 373, Florida Statutes, for regulating the consumptive use of water; and

WHEREAS, the St. Johns River Water Management District has amended Rule 40C-2.042, F.A.C., its General Consumptive Use Permit by Rule that regulates small irrigation uses below consumptive use permit thresholds in Rule 40C-2.041(1), F.A.C.; and

WHEREAS, Rule 40C-2.042(2)(a), F.A.C., grants a general permit to each person located within the District to use, withdraw or divert water for small landscape irrigation uses, provided that irrigation occurs in accordance with Sections 3 and 5, subject to the exceptions set forth in Section 4; and

WHEREAS, Rule 40C-2.042(2), F.A.C., applies to landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility; and

WHEREAS, Rule 40C-2.042(2)(b), F.A.C., strongly encourages a local government to adopt an ordinance to enforce Rule 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape irrigation ordinance that incorporates each of the provisions set forth in Rule 40C-2.042(2)(a), F.A.C.; and

WHEREAS, it is the desire of the City Commission of the City of Winter Garden to adopt such an ordinance in accordance with 40C-2.042(2)(a) and (b), F.A.C.; with the exception that the City's reclaimed water customers may irrigate only in accordance with a specified landscape irrigation schedule and the exceptions thereto; and

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

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 Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

Section 2. Chapter 94 of the City of Winter Garden Code of Ordinances is hereby amended to add Ordinance No. 09-11 to read as follows:

WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION

Section 94-134. INTENT AND PURPOSE.

It is the intent and purpose of this Article to adopt an ordinance to enforce St. Johns River Water Management District Rule 40C-2.042(2)(a), F.A.C. by adopting a landscape irrigation ordinance which applies to landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility.

Section 94-135. DEFINITIONS.

For the purpose of this Article, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

- a. "Address" means the house number of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.
- b. "District" means the St. Johns River Water Management District.
- c. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- d. "Landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.
- e. "Residential landscape irrigation" means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.
- f. "Non-residential landscape irrigation" means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.
- g. "Reclaimed Water" means water that is reused after one or more public supply, municipal, industrial, commercial or agricultural uses.

Section 94-136. LANDSCAPE IRRIGATION SCHEDULES.

1. When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

- a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- b. Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- d. No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

- a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- b. Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- d. No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

3. To address the City's reclaimed water system operational concerns, the reclaimed water customers of the City shall use reclaimed water for landscape irrigation only in accordance with the landscape irrigation schedule set forth above and the exceptions below. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

4. All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

Section 94-137. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES.

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

1. Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.
2. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.
3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed $\frac{1}{4}$ inch of water per application

except as otherwise required by law, the manufacturer, or best management practices.

4. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.
5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
6. Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.
7. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

Section 94-138. ADDITIONAL REQUIREMENT.

Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

Section 94-139. VARIANCE FROM SPECIFIC DAY OF THE WEEK LIMITATIONS.

A variance from the specific landscape irrigation days or day set forth in Section 3 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week during Daylight Savings Time or more than one day per week during Eastern Standard Time.

Section 94-140. APPLICATION OF ORDINANCE.

The provisions of this Ordinance shall apply to each person located within the City of Winter Garden.

Section 94-141. ENFORCEMENT OFFICIALS.

Law enforcement officials having jurisdiction in the area governed by this Ordinance are hereby authorized to enforce the provisions of this Ordinance. In addition, the City Manager may also delegate enforcement responsibility for this Ordinance to agencies and departments of the City of Winter Garden government.

Section 94-142. PENALTIES.

Violation of any provision of this Ordinance shall be subject to the following penalties:

First Violation:	Written Warning
Second Violation:	\$50.00
Subsequent Violations:	Increased by \$50.00 with each additional violation with fines not to exceed \$500.00.

Each day in violation of this Ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City of Winter Garden may take other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article.

Section 94-143. CODIFICATION.

That Section I of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word "Ordinance" may be changed to "Section", "Article", or other appropriate word.

Section 94-144. CONFLICT.

If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

Section 94-145. SEVERABILITY.

If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 94-146. EFFECTIVE DATE.

This Ordinance shall become effective upon approval by the City Commission at its final reading.

READ FIRST TIME: _____ April 9, 2009 _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____ April 23, 2009 _____

READ THIRD TIME AND PUBLIC HEARING HELD: _____ May 14, 2009 _____

PASSED AND ORDAINED this _____ day of _____, 2009,
by the City Commission of the City of Winter Garden, Florida.

**CITY OF WINTER GARDEN, FLORIDA, a Florida
Municipality**

By: _____
JOHN REES, Mayor/Commissioner

City of Winter Garden City Commission
Regular Meeting Agenda for May 14, 2009

ATTEST:

By: _____
ANGEE GRIMMAGE, Assistant City Clerk