

ARTICLE I. IN GENERAL

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.

(Ord. No. 08-11, § 2, 1-24-08)

Sec. 78-2. Developments to extend utility mains.

(a) *Extension of main lines.* All new developments requiring subdivision or site plan approval shall cause the installation of potable water, reclaimed water and sanitary sewer main lines extending from their current terminus to the new development and along the development's entire frontage along public rights-of-way, at the expense of the owner or developer of said development. The size of the potable water, reclaimed water and sanitary sewer main lines installed shall be at the size determined by the city engineer as necessary to support the development. Said main lines shall be designed, permitted, installed and constructed in accordance with the city's Code, regulations, policies and requirements and in accordance with city approved plans and permits. Prior to the installation of main lines, the owner or developer shall obtain the city's approval of plans for installation of the main lines and secure any necessary permits. The development may, if determined by the city

to be necessary, be required to grant the city utilities easements of a reasonable width to accommodate the perpetual operation, maintenance, repair and replacement of said main lines over a portion of the property being developed. The owner and developer shall not be entitled to impact fee credits for the installation of main lines. As used in this section, the term "main lines" shall mean all potable water, reclaimed water and sanitary sewer main lines required to be installed in conformance with the city's master utility plans.

(b) *Oversizing of main lines.* The city may require the development to install main lines or any portion thereof to a size larger or length longer than ordinarily required as determined by the city engineer (referred to as "oversize" or "oversizing"). In the event the city requires the development to oversize main lines, or any portion thereof, the city shall reimburse the owner or developer for the additional reasonable costs incurred for oversizing the main lines, at an amount approved as reasonable by the city engineer. The city will reimburse the owner or developer for oversizing costs within 60 days after completion, inspection, acceptance and invoicing for the installation of the main lines as described in subsection (c).

(c) *Completion of main lines.* Upon completion of the installation of the main lines, the owner or developer of the development shall have the city engineer inspect such improvements, obtain a certificate of completion from the city engineer for main lines. As a condition precedent to receiving a certificate of completion for such main lines, owner or developer shall execute and deliver to the city:

- (1) Invoices for construction costs of the main lines;
- (2) A one-year maintenance bond or irrevocable letter of credit in an amount equal to 20 percent of the main lines construction costs (construction cost amount to be approved by city engineer) and in a form approved by the city attorney;

- (3) A bill of sale conveying the main lines to the city with an assignment of any associated warranties; and
- (4) A release or waiver of liens from all contractors, subcontractors, materialmen and laborers involved in the installation of the main lines.

No certificates of occupancy shall be issued for any part of the development until issuance of a certificate of completion by the city engineer and completion of items (1)–(4) above. The main lines shall be deemed completed upon owner or developer satisfying all of the conditions of this subsection (c).

(d) *Main line extension agreement.* The city may require the owner and developer of a development to enter into an agreement with the city concerning installation of main lines, reimbursement of any oversizing costs and other matters relating to the requirements of this section.

(e) *De minimus exemptions.* The development review committee may grant exemptions to this section, or portions thereof, for low intensity or density developments having de minimus impacts to public utility infrastructure. For the purpose of this section only, a development having three or less single-family residential units, or their equivalent density or intensity shall constitute a development having a de minimus impact to public utility infrastructure.

(Ord. No. 08-36, § I, 6-12-08)

Sec. 78-3. Natural gas installation.

(a) *Generally.* Pursuant to the requirements of this section, natural gas distribution line installation and natural gas main extension shall be required in all new platted subdivisions and re-plats of existing subdivisions over five lots where natural gas mains are or upon joint approval by City of Winter Garden and Lake Apopka Natural Gas District will be located within 100 feet of the exterior boundary of the proposed subdivision.

(b) *Cost of installation.*

- (1) *Natural gas distribution lines and facilities.* The cost of installation, including construction and materials, of all natural

gas distribution lines and appurtenances within the property must be borne by the developer or applicant.

- (2) *Natural gas mains.* The cost of extension or improvement of an existing natural gas main along the entire public road frontage of the property and up to 100 feet beyond the property boundaries shall be borne by the developer or applicant. The cost to extend or improve the existing natural gas main more than 100 feet to the boundaries of the property will be borne by the Lake Apopka Natural Gas District. New platted subdivisions or replats of existing subdivisions shall not be required to install natural gas lines where the City of Winter Garden and Lake Apopka Natural Gas District have jointly determined that natural gas service is not and will not be reasonably available to such development. The city manager or his/her designee is given the authority to create and enforce policies concerning and make natural gas service availability determinations for the city.

- (3) *Construction.* Construction of natural gas distribution line installation and main extension shall be performed by the Lake Apopka Natural Gas District and/or its designee pursuant to an agreement between the applicant or developer and the Lake Apopka Natural Gas District. Before the Lake Apopka Natural Gas District and/or its designee commences any natural gas installation and/or main extension construction, the cost for labor and materials, as estimated by the Lake Apopka Natural Gas District's engineer, must be paid by the developer or applicant to the Lake Apopka Natural Gas District in cash or a bond sufficient to cover the cost of construction. The cost will be determined from the point of the nearest available natural gas supply to the subdivision. Any excess payment or underpayment will be refunded or invoiced upon completion of installation.

(c) *Easements and permits.* The developer or applicant shall dedicate public utility easements as necessary within the subdivision to accommodate the constructing, operating and maintaining the natural gas pipeline distribution system within the property. The Lake Apopka Natural Gas District shall obtain all required permits and authorizations from the city for installation of the natural gas pipeline system.

(d) *Ownership and maintenance.* All distribution mains, lines, services and other installations on the inlet/upstream/street side of the meter, as well as the meter, shall be the property of the Lake Apopka Natural Gas District, who shall be responsible for their safe operation and proper maintenance. All facilities on the outlet/downstream/house side of the meter, including the house piping system and all natural gas appliances, shall be the property of the builder and/or their successors and assigns, who shall be responsible for safe operation and proper maintenance of all such facilities.
(Ord. No. 24-46, § 1, 11-14-24)

Secs. 78-4—78-25. Reserved.

ARTICLE II. WATER AND SANITARY SEWER SYSTEMS

Sec. 78-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (mg/l) or parts per million (ppm).

Equivalent residential unit (ERU) means water usage and sewage discharge for a nonresidential user equivalent in quantity and strength to an average residential unit taken as 350 gallons per day for each water ERU and 250 gallons per day for each sewer ERU.

Habitation means any one building, structure or premises that is used as a private residence, and used for such purpose only.

Impact fee means an assessment or charge levied by the city for new development or new customers connecting to a water/wastewater system. Such assessments or charges cover the cost of expansion, improvement, future distribution, future transmission and expansion of the water/wastewater facilities.

Irrigation system means a system consisting of more than one zone controlled by a timer or other automatic device used to irrigate lawns and landscape.

Master water meter means water meter that serves a multi-family development or multi-unit commercial development.

Monthly effluent charge means a monthly charge levied on commercial, industrial or business establishments or master-metered apartment users who discharge a waste with strength characteristics which exceed one or more of the strength characteristics of normal domestic waste.

Monthly service charge means a monthly charge levied on users for the cost other than operation and maintenance costs attributed to the treatment plant and collection system. The monthly service charge consists of an administrative charge and a debt service and nonoperating expense charge.

Monthly sewer charge means the sum of the monthly user charge, monthly service charge and the monthly effluent charge.

Monthly user charge means the monthly charge levied on users for the costs of operation and maintenance of the treatment plant and collection system.

Multiple habitation means any building or structure under a single ownership but consisting of two or more habitations.

Normal domestic waste means a waste with strength characteristics which do not exceed the following:

	<i>mg/l</i>
BOD (five-day at 20 degrees Celsius)	204
Suspended solids (total)	200
Nitrogen, as N (total)	30
Phosphorus, as P (total)	10

Owner, tenant, consumer means and includes the party referred to, and the covenants and agreements contained in any contract between the public services department and its consumers shall be binding upon and inure to the benefit of the successors, heirs, executors, administrators or assigns of the respective parties thereto. The consumer is considered the owner, as distinguished from a tenant, when the property serviced is recorded or stands of record in his name.

Premises means habitations, institutions, mobile homes, places of business or multiple habitations.

Readiness to serve means the status an inactive account is in when there is no consumption, however, the city continues to maintain on site facilities capable of meeting the customer demand related to the service.

Sanitary sewer system means sewers, disposal and purification plants, equipment used in connection therewith, and all facilities, real and personal, owned or used by the city in the disposal of human excreta.

Suspended solids means solids that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Public services department means the department which operates the water system and the sanitary sewer system owned and operated by the city.

(Code 1988, § 22-16; Ord. No. 98-88, § 1, 12-10-98; Ord. No. 99-64, § 1, 1-13-00; Ord. No. 01-23, § 1, 5-10-01; Ord. No. 11-02, § VI, 1-13-11)

Cross reference—Definitions generally, § 1-2.

Sec. 78-27. Water and sanitary sewer systems established as public utility.

The water and sanitary sewer systems in existence and owned, operated and maintained by the city, together with any and all future extensions and replacements, are established and declared to be a public utility for the use and benefit of the city in the maintenance of public health, welfare and sanitation throughout the city. The water system and the sanitary sewer system owned by the city shall be administered as one utility system.

(Code 1988, § 22-17)

Sec. 78-28. Public services department created.

The water system and the sanitary sewer system shall be operated as the public services department of the city, which department is created. The departments and all the public utilities comprising a part thereof as provided in this article shall be under the control of the city commission.

(Code 1988, § 22-18; Ord. No. 11-02, § VI, 1-13-11)

Sec. 78-29. Separate records.

Complete data and records, financial and otherwise, of the operation and management of the water system and the sanitary sewer system shall be kept separately.

(Code 1988, § 22-19)

Sec. 78-30. Connection with water and sewer systems required.

(a) Except as provided in subsection (e), the owner of each and every lot, parcel, or plot of land developed within the corporate limits of the

city for residential, commercial or industrial uses shall be required to connect to the city's water and sanitary sewer systems at the landowner's expense, regardless of the distance of the lot, parcel or plot of land to the service. The city commission may waive the requirements of this subsection if the city commission specifically finds that requiring such connection would create an extreme hardship on the owner of the property.

(b) Except as provided in subsection (e), any existing building used for residential, commercial or industrial uses shall be required to connect to the systems within 60 days after service is certified available by the city.

(c) Any new building erected and used for residential, commercial or industrial uses shall, within 30 days, be connected to the systems after service is certified available by the city. If there are no city-owned systems existing at the time construction is completed, the time limits will apply as in subsection (b) of this section.

(d) If such connection shall not be made within the prescribed period, the public services department shall, at the expiration of such period, proceed forthwith to require the owner of such lot, parcel or plot to connect to the systems in such lawful manner as may be required.

(e) After December 31, 2001, the owners of a developed lot, parcel or plot of land utilized for single-family residential purposes and lawfully served, pursuant to the Orange County Code of Ordinances, by private well or septic system prior to annexation into the corporate limits of the city may continue to be served by said private well or septic system and shall be exempt from the requirements of section 78-30 of the Code as it is then in effect at the time of said annexation, provided such use remains lawful.

(f) The city shall have the right to adopt and enforce rules and regulations governing utility services and customer accounts. By accepting utility services from the city, customers and property owners agree to comply with and that they are subject to the provisions of this chapter and the city's rules and regulations governing

utility services regardless of whether the property connected to utility services is located within or outside the jurisdictional limits of the city.

(g) The making of an application under this chapter for utility service shall act to grant the properly authorized agent of the city free access to the premises at all reasonable hours for the purpose of reading, repairing, removing or examining the water meter or water or wastewater service connection, or making such other inspection of the premises as the city may determine necessary to properly maintain and service the public utilities system as it relates to the health and general welfare of the citizens of the city. The customer consents to the installation, use, reading (including via electronic, wireless or manual means) and maintenance of metering equipment installed upon the property by the city as a condition of service.

(Code 1988, § 22-20; Ord. No. 01-83, § 2, 1-10-02; Ord. No. 11-02, § VI, 1-13-11; Ord. No. 19-01, § II, 1-10-19)

Sec. 78-31. Connections made by the city.

All connections to the sewer and water mains of the city as provided in section 78-30 shall be made by or under the supervision of the public services department, and the connections and use of the facilities as set forth in this article shall be mandatory.

(Code 1988, § 22-21; Ord. No. 11-02, § VI, 1-13-11)

Sec. 78-32. Cross connection with private water supply.

It shall be unlawful for any person to connect or cause to be connected to the city water pipes, by any means whatsoever, other pipes containing water from any water supply other than the water supply of the city. The owner of the property where any such cross connection exists shall forthwith remove such cross connection.

(Code 1988, § 22-22)

Sec. 78-33. Dual system of pipes required on property where water furnished by city and by private supply.

If any person as the owner of the property shall have upon such property a supply of water

other than the supply of water furnished by the public services department and shall also have upon such property a water supply furnished by the public services department, such owner shall have a dual system of pipes upon the property. One system of pipes shall be for water supplied by the public services department and the other system of pipes shall be for the supply of water from the private supply. It shall be unlawful for the two systems to be connected together in any manner whatsoever.

(Code 1988, § 22-23; Ord. No. 11-02, § VI, 1-13-11)

Sec. 78-34. Location and construction of tanks into which city water is discharged.

It is required that tanks into which water furnished by the public services department is discharged shall be at such a distance below the discharge pipes so that at no time can the water in such tanks rise to such level as to come in contact with the discharge pipes. The installation shall be so constructed that the outlet of the discharge pipes meets all requirements contained in the city's manual of cross connection control. (Code 1988, § 22-24; Ord. No. 11-02, § VI, 1-13-11)

Sec. 78-35. Reserved.

Editor's note—Ord. No. 07-19, § 1, adopted May 24, 2007, repealed § 78-35, which pertained to temporary water service and derived from § 22-25 of the 1988 Code; Ord. No. 06-12, § 3, 3-9-06.

Sec. 78-36. Tampering with city property; furnishing water to other persons.

(a) No person, unless authorized by the city, has the right to turn off or turn on water at the curbstop, corporation stop or valve or to in any way disconnect or remove any water meter or otherwise molest any water connection, meter or water main belonging to the city.

(b) It is unlawful for any person to destroy, deface, impair, injure or wantonly force open any gate or door therein or in any way whatsoever destroy, injure, deface or wantonly destroy any part of the buildings or the appurtenances, fences

or fixtures thereunto appertaining or any water pipes, gates, reservoirs, hydrants, fountains or any fixtures or other property belonging to the city water system or sanitary sewer system. It is unlawful for any person without authority from the city to remove, open, hitch to, dig out or curb over any fireplug or hydrant, curbstop, valve, valve box or other fixture belonging to the city water system or sanitary sewer system.

(c) No consumer shall furnish water to any other person either by use of pipes or fixtures on his own premises or by extending pipes to the premises of other persons.

(Code 1988, § 22-26)

Sec. 78-37. Privately owned wells.

(a) Privately owned wells may be drilled and used within the corporate limits of the city only for the purpose of lawn sprinkling, irrigation, operation of air conditioning units, filling of swimming pools or other similar uses, but not for human consumption.

(b) It shall be unlawful for any person to bore, dig or drill wells permitted under subsection (a) of this section within the city limits unless an application is made and a permit obtained from the city building official. The application and permit shall show all data concerning the proposed size and anticipated depth of the well and its exact location.

(Code 1988, § 22-27)

Sec. 78-38. Service outside corporate limits.

(a) The city may furnish sewer and water service outside the corporate limits of the city, within the discretion of the city commission.

(b) Annexation agreement. If application is made for water or wastewater utilities service (or a combination thereof) to property located outside the city boundaries that is contiguous to the existing city boundaries or is within an enclave surrounded by the city's boundaries, the property owner shall simultaneously annex the property into the city as a prerequisite to the provision of water or wastewater utilities service to the property. If application is made for water

or wastewater utilities service (or a combination thereof) to property located outside the city boundaries that is not contiguous to the existing city boundaries, the property owner shall simultaneously execute an annexation agreement, in a form acceptable to the city and binding upon the property, giving the city the right to annex the property into the city limits when the prerequisites of annexation under general law are met. Failure of the property owner to annex the property pursuant to the annexation agreement shall constitute grounds to terminate water and/or wastewater service to the property. "Application" for public utilities service shall include any and all applications for water and/or wastewater service, to reactivate prior water and/or wastewater service, or to add additional water and/or wastewater service, including the addition of additional water meters, new fixtures or water and/or wastewater service capacity.

"Application" for public utilities service includes an attempt to circumvent a formal application or request for water and/or wastewater services, including a property owner's, tenant's or occupant's use of a prior water and/or wastewater connection or service of previous owner, tenant or occupant. There is an exception to this subsection for the properties within the Town of Oakland being provided reclaimed water or wastewater services pursuant to an interlocal agreement.

(c) The city will not provide new water and/or wastewater connections or services to or for any industrial zoned use located outside the city limits unless otherwise agreed to in an annexation agreement approved by the city commission. The city will not allow increases in volume or capacity in water and/or wastewater services for any existing water or wastewater connections to an industrial zone use located outside the city limits, and any such existing water or wastewater connections that are not legally and actively utilized as of the effective date of this subsection will be considered deactivated and not eligible for further service. If an industrial zoned use within an unincorporated enclave obtains zoning, site plan and/or building permit approvals from Orange County prior to annexation into the city limits or prior to executing an annexation agree-

ment with the city, the city is not required to provide water and/or wastewater connections or services to said industrial zoned use even if such property later requests annexation and/or is later annexed into the city limits unless otherwise agreed to in an annexation agreement approved by the city commission. The aforesaid provision is to avoid an industrial zoned use within an unincorporated enclave circumventing the requirement to annex into the city limits and conform to the city's comprehensive plan and zoning code in order to receive water and/or wastewater connections or services.

(Code 1988, § 22-28; Ord. No. 19-01, § II, 1-10-19; Ord. No. 22-09, § II, 5-12-22; Ord. No. 22-43, § II, 10-27-22)

Sec. 78-39. Installation and use of septic tanks.

Septic tanks may be installed and used within the city limits in areas where the city does not furnish sewer facilities, upon the approval of the public services department, until such time as such service becomes available. The rules and regulations of the state shall apply as to the type and manner of installation of all septic tanks.

(Code 1988, § 22-29; Ord. No. 11-02, § VI, 1-13-11)

Sec. 78-40. User's responsibility to keep sewer clean, provide cleanout plugs.

The owner, tenant or occupant of property connected to the sanitary sewer system shall be continuously responsible for maintaining and keeping the sewer pipe leading to and between his plumbing fixtures and the city's connection to the sewer main clean and free from obstruction and shall not cause, suffer or permit any article or thing to be introduced into the pipe which causes a stoppage. Failure to keep the sewer pipe leading from the plumbing system to the sewer main clean and maintained in proper condition will give the city the right to cut off the water service. The water service shall not be reconnected until the sewer pipe is cleaned and maintained properly. It shall be the responsibility of the owner, tenant or occupant of the property connected to the sanitary sewer system