

CHARTER COMPARATIVE TABLE

ORDINANCES

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Adopted Date	Election Date	Section	Section this Charter
852	9-25-75	12- 4-75	1—100	1—100
80-34	9-11-80	11- 4-80	2	13
				34
R80-13	11-25-80	11- 4-80		19
				32, 33
				44
85-08	2-14-85	11- 6-84	1	8
94-32	10-27-94	11-29-94	1	44
94-33	10-27-94	11-29-94	1	46
96-07	4-11-96	2-27-96	1	8
97-66	10-23-97		3	44
	9-25-07		1—70	1—70
19-56	11-14-19	3-17-20	2	11(1)
				16
				20(2)
				21
			Rpld	22
				23
				27
				46
				48(1)
				57(4)
				58(1), (2)
				65(4)

PART II
CODE OF ORDINANCES

Subpart A

GENERAL ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-3.	Catchlines of sections and other headings.
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Sec. 1-5.	References and editor's notes.
Sec. 1-6.	History notes.
Sec. 1-7.	Certain ordinances not affected by adoption of Code.
Sec. 1-8.	Effect of repeal of ordinances.
Sec. 1-9.	Continuation of existing ordinances.
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Sec. 1-13.	Supplementation of Code.
Sec. 1-14.	Altering Code.
Sec. 1-15.	General penalty; continuing violations.

Sec. 1-1. Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Winter Garden, Florida," and may be so cited.

(Code 1988, § 1-1)

Charter reference—Codification authority, §§ 8(20), 21.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the city commission:

Charter. The term "Charter" shall mean the Charter of the City of Winter Garden, Florida, printed as part I of this volume.

City. The term "city" shall be construed as if the phrase "of Winter Garden" followed it and shall extend to its several officers, agents and employees.

City attorney. The term "city attorney" or "city solicitor" shall be construed to mean the city attorney of the City of Winter Garden.

City clerk. The term "city clerk" or "clerk" shall be construed to mean the city clerk of the City of Winter Garden.

City commission. The term "city commission" or "commission" shall be construed to mean the city commission of the City of Winter Garden.

City manager. The term "city manager" shall be construed to mean the city manager of the City of Winter Garden.

Code. The term "Code" shall mean the Code of Ordinances, City of Winter Garden, Florida, as designated in section 1-1.

Computation of time. In computing any period of time prescribed or allowed by ordinance, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is

neither a Saturday, Sunday nor legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

State law reference—Similar provisions, Fla. Rules of Civ. Proc. § 1.090(a).

County. The term "county" shall mean the County of Orange in the State of Florida.

State law reference—Orange County, F.S. § 7.48.

F.S. The abbreviation "F.S." shall be construed to mean the latest edition or supplement of the official Florida Statutes.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations, as well as to males.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper and proprietor. The terms "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee.

Mayor. The term "mayor" shall be construed to mean the mayor of the City of Winter Garden.

Month. The term "month" shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things, as well as to one person and thing.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an

oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

State law reference—Oath, F.S. § 876.05.

Officers, boards, committees, etc. The title of any office, officer, employee, board, committee or commission shall be used as though the phrase "of Winter Garden, Florida," were added. Whenever a provision appears authorizing or requiring a particular officer or employee of the city to do some act, it shall be construed to authorize the officer or employee to delegate, designate and authorize subordinates to do the act, unless the terms of the provision or section specify otherwise.

Or; and. The term "and" may be read "or," and the term "or" may be read "and," if the sense requires it.

Owner. The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate, as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property, as defined in this section.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" shall include real and personal property.

Public place. The term "public place" shall mean any park, cemetery, schoolyard or open space adjacent thereto, all beaches, canals or other waterways.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Sidewalk. The term "sidewalk" shall mean any portion of a street between the curbline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. The term "signature" or "subscription" includes a mark when the person cannot write.

State. The term "state" shall mean the State of Florida.

Street. The term "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city.

Tenant. The term "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future, as well as the past and present.

Week. The term "week" shall be construed to mean seven days.

Written, in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The term "year" shall mean a calendar year.

(Code 1988, § 1-2)

State law reference—Definitions, F.S. § 1.01.

Sec. 1-3. Catchlines of sections and other headings.

The catchlines of the several sections of this Code printed in boldface type and other headings are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines and other headings, are amended or reenacted.

(Code 1988, § 1-3)

Sec. 1-4. References to chapters or sections.

All references to chapters or sections are to the chapters and sections of this Code, unless otherwise specified.

(Code 1988, § 1-4)

Sec. 1-5. References and editor's notes.

The references and editor's notes appearing throughout the Code are not intended to have any legal effect, but are merely intended to assist the user of the Code.

(Code 1988, § 1-5)

Sec. 1-6. History notes.

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

(Code 1988, § 1-6)

Sec. 1-7. Certain ordinances not affected by adoption of Code.

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.
- (2) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness.
- (3) Any contract or obligation assumed by the city.
- (4) Any right or franchise granted by the city.
- (5) Any ordinance dedicating, naming, establishing, locating, opening, paving, widening, vacating, etc., any street or public way in the city.
- (6) Any ordinance establishing or prescribing grades for streets in the city.
- (7) Any appropriation ordinance providing for the levy of taxes or for adopting an annual budget.
- (8) Any ordinance relating to local improvements and assessments therefor.

- (9) Any ordinance annexing territory to the city or discontinuing territory as a part of the city.
 - (10) Any ordinance dedicating or accepting any plat or subdivision in the city.
 - (11) Any ordinance or resolution or policy establishing or amending personnel rules or regulations or establishing benefits including old-age and survivors benefits.
 - (12) Any ordinance or resolution prescribing taxicab passenger rates.
 - (13) Ordinances prescribing traffic regulations for specific streets, such as ordinances establishing speed limits or designating one-way streets, no parking areas, truck routes, stop intersections, intersections where traffic is to be controlled by signals, etc.
 - (14) Any ordinance establishing or amending the comprehensive plan or the zoning map or rezoning property.
 - (15) Any ordinance calling municipal elections or prescribing the manner of conducting the election in accordance with state law.
 - (16) Any ordinance prescribing any fee or payment of money to the city.
 - (17) Any ordinance prescribing the number, classification, benefits or compensation of any city officers or employees, not inconsistent with this Code.
 - (18) Any ordinance which is temporary, although general in effect.
 - (19) Any ordinance which is special, although permanent in effect.
 - (20) Any ordinance containing any administrative provisions.
- (b) All such ordinances shall be on file in the city clerk's office.
(Code 1988, § 1-7)

Sec. 1-8. Effect of repeal of ordinances.

- (a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect or any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed.

(Code 1988, § 1-8)

Charter reference—Similar provisions, § 22.

Sec. 1-9. Continuation of existing ordinances.

The provisions appearing in this and the following chapters and sections, so far as they are the same as those of the Code of Ordinances, City of Winter Garden, Florida, as adopted by Ordinance Number 88-42, or of ordinances existing at the time of the adoption of the Code of Ordinances, City of Winter Garden, Florida, as adopted by Ordinance Number 88-42, shall be considered as a continuation thereof and not as new enactments.

Sec. 1-10. Prior offenses, penalties or rights not affected by adoption of Code; continuance of use of structure or premises in violation.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty of forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the city in effect on the date of adoption of this Code.

(Code 1988, § 1-9)

Sec. 1-11. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code

by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be *prima facie* evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the city commission.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "Be it enacted by the City of Winter Garden: That section _____ of the Code of Ordinances, City of Winter Garden, Florida, is hereby amended to read as follows:" The new provision shall then be set out in full as desired.

(c) If a new section not existing in the Code is to be added, the following language shall be used: "Be it enacted by the City of Winter Garden: That the Code of Ordinances, City of Winter Garden, Florida, is hereby amended by adding a section to be numbered _____, which said section reads as follows:" The new section shall then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

(Code 1988, § 1-10)

Charter reference—Ordinances generally, §§ 19—22.

Sec. 1-12. Severability of parts of Code.

It is hereby declared to be the intention of the city commission that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree or a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1988, § 1-11)

Sec. 1-13. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed. A supplement to the Code shall include all sub-