

streets or alleys of the city or dispose of any refuse accumulated in the city, except as follows:

- (1) This article shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with this article and with any other governing laws or ordinances of this city.
- (2) This article shall not prohibit collectors of refuse from outside of the city from hauling such refuse over city streets, provided such collectors comply with this article and with any other governing laws or ordinances of the city.

(Code 1988, § 17-35)

Sec. 58-37. Supervision; appeals.

(a) All refuse accumulated in the city shall be collected, conveyed and disposed of under the supervision of the director of public works. He shall have authority to make regulations concerning the days of collection, type and location of containers and such other matter pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify such after notice as required by law, provided that such regulations are not contrary to this article.

(b) Any person aggrieved by a regulation of the director of public works shall have the right of appeal to the city manager, who shall have the authority to confirm, modify or revoke any such regulation.

(Code 1988, § 17-36)

Sec. 58-38. Frequency.

(a) Domestic garbage shall be collected not less than two times per week, while domestic trash will be collected at least one time per week.

(b) Commercial garbage from commercial establishments will be collected not less than one time per week and no more than seven times per week. Commercial establishments using domestic-type garbage containers will have collection no less than one time per week. Com-

mercial trash will be collected no less than one time per week and no more than seven times per week.

(Code 1988, § 17-37)

Sec. 58-39. Points of collection.

(a) *Domestic garbage.* On designated collection days, garbage containers shall be placed adjacent to the street along the customer's property and shall be accessible without entering into a building or shelter of any type or by walking under or around a yard or property obstacle. Any person who is a full-time resident of a residential unit who is disabled to the extent that he is incapable of moving the garbage container and who shall obtain a physician's certificate as to such disability shall not be required to place the garbage container adjacent to a street. This subsection shall not apply unless all of the persons in the residential unit are disabled and obtain such physician's certificate.

(b) *Domestic trash.* On designated collection days, domestic trash shall be placed adjacent to the street's edge, but shall not be placed in the street. All small domestic trash such as grass, short hedge clippings, weeds, fallen leaves, and citrus droppings shall be put in containers and shall be placed at the street's edge.

(c) *Commercial garbage and trash.* On designated collection days, all garbage and trash must be placed in containers on the property and not within the right-of-way of any area or street except as may be otherwise designated by the director of public works. Such containers shall be accessible without entering a building or shelter of any type.

(d) *Time of collection.* All domestic garbage and trash containers shall be placed adjacent to the edge of streets in the manner provided in this section not later than 7:00 a.m. on the day designated by the director of public works for collection and shall be removed from the edge of such street not later than 7:00 p.m. on such designated days and stored so that the containers cannot be viewed from the street(s) (e.g., the container shall be stored at the side or rear of the property being served or within an opaque

enclosure or structure such as a shed or garage) until the next designated collection day. Failure to properly store trash and garbage containers pursuant to this section on non-collection days shall constitute a Class I violation as set forth in section 2-92 of the City Code, with such fine to be assessed on a continuing basis for each day a container remains improperly stored. If the city fails to collect the garbage on the designated days, the city shall be responsible for collecting garbage from the point where the containers are customarily stored, and the customer shall not be responsible for placing the container at the street.

(Code 1988, § 17-38; Ord. No. 11-22, § II, 9-21-11)

Sec. 58-40. Fees.

(a) *Persons required to pay.* All residents, occupants or owners of premises in the city shall be required to have accumulations of garbage, trash and garden trash removed and disposed of by the sanitary department or the street department of the city, and for such service of garbage removal and disposal and for the availability of such service shall pay the city the fees set forth in a fee schedule adopted by resolution of the city commission.

(Code 1988, § 17-39; Ord. No. 96-24, § I, 12-19-96; Res. No. 97-30, § 1, 11-25-97; Ord. No. 98-16, §§ III, IV, 3-26-98; Ord. No. 00-23, 3-23-00; Ord. No. 01-14, § 1, 3-22-01)

Sec. 58-41. Billing procedure; liens.

(a) Under this article, the city manager is authorized and directed to collect the applicable fee each month, billing the fee as a separate item on the utility bill.

(b) Charges included in utility bills shall be a lien upon the real property. Whenever a utility bill remains unpaid 60 days after it has been rendered, the city clerk may file with the county recorder a statement of lien claims. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

(c) If the consumer billed is not the owner of the premises and the clerk has notice of this, notice shall be mailed to the owner of the premises, if his address is known to the clerk, whenever the utility bill remains unpaid for a period of 60 days after it has been rendered.

(d) The failure of the clerk to record such lien claim and to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned in subsection (e) of this section.

(e) The owner shall be responsible for the payment of attorney's fees incurred by the city in any action brought by the city to foreclose such lien.

(f) Property subject to a lien for unpaid utility charges shall be sold for nonpayment of the lien, and the proceeds of such sale shall be applied to pay the charges and attorney's fees after deducting costs. 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 utility bill has remained unpaid for 60 days after it has been rendered.

(Code 1988, § 17-40)

State law reference—Restrictions on placing liens on property, F.S. § 180.135.

Secs. 58-42—58-70. Reserved.

ARTICLE III. RECYCLING

Sec. 58-71. Collection by city.

(a) All refuse and recyclable material accumulated in the city shall be collected, conveyed and disposed of by the city or its designated agents, licensees, franchisees, employees, or contract representatives or any person with whom the city contractually agrees to allow to perform any or all such services. The city shall have the discretion to determine whether to offer and provide recycling collection, conveyance and disposal services. No other person or entity shall collect, convey over any of the streets or alleys of the city or dispose of any refuse accumulated in the city except as provided in subsection (b) of this section.

(b) This article shall not prohibit collectors of refuse which had been collected outside the city limits from hauling such refuse over city streets, provided such collectors comply with this article and with any other governing law or ordinance of the city.

(c) Any person or entity that desires to collect, convey or dispose of recyclable materials within the city must obtain a franchise from the city in order to operate. The city may grant non-exclusive or exclusive franchises for the collection, conveyance or disposal of recyclable materials.

(Code 1988, § 17-41; Ord. No. 24-48, § 1, 12-12-24)

Sec. 58-72. Supervisor; appeals.

(a) Under this article, the director of public works will supervise collection and make recommendations to the city commission concerning collection.

(b) All refuse and recyclable material accumulated in the city shall be collected, conveyed and disposed of by the city under the supervision of the director of public works, except as otherwise provided within this article. The director shall have the authority to make regulations concerning the days of collection, type and location of waste and recyclable materials containers and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary and to change and modify such after notice published in a newspaper of general circulation at least ten days in advance of the effective date of such change or modification. The notice shall indicate that persons aggrieved shall have the right of appeal to the city manager, as provided in subsection (c) of this section, provided that such regulations or modifications are not contrary to this article.

(c) Any person aggrieved by a regulation of or fee charged by the director shall have the right of appeal to the city manager, who shall have the authority to confirm, modify or revoke any such regulation or fee.

(Code 1988, § 17-42)

Sec. 58-73. Reserved.

Editor's note—Ord. No. 24-48, § 1, adopted Dec. 12, 2024 repealed § 58-73, which pertained to preparation of recyclable material for collection and derived from the Code of 1988, § 17-43.

Sec. 58-74. Fees and requirements for participating commercial establishments.

(a) *Fees.* Under this article, all participating commercial establishments shall pay to the city fees set forth in a fee schedule adopted by resolution of the city commission and maintained by the public works director.

(b) *Requirements.*

(1) Fees for participating commercial establishments, which fees are not expressly covered in the fee schedule may be assessed in accordance with rules and regulations of the public works department or upon separate agreement with the city.

(2) The billing procedures for this section shall be as provided in section 58-41.

(Code 1988, § 17-44; Ord. No. 96-24, § I, 12-19-96; Ord. No. 00-23, 3-23-00; Ord. No. 01-14, § 1, 3-22-01; Ord. No. 24-48, § 1, 12-12-24)

Sec. 58-75. Amendment of fees.

Any and all fees provided for in this chapter and in codes or schedules adopted in this chapter or by resolution of the city commission may be amended by ordinance or resolution approved by the city commission.

(Ord. No. 96-24, § I (17-45), 12-19-96; Ord. No. 01-14, § 1, 3-22-01)

Sec. 58-76. Penalty.

(a) Any person who violates any of the sections of this article shall, upon conviction, be punished by a fine not exceeding \$250.00 and a definite term of imprisonment not exceeding 30 days.

(b) Each day any violation of this article shall continue shall constitute a separate offense.

(c) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of this article shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(Code 1988, § 17-45; Ord. No. 96-24, § I (17-46), 12-19-96)

Chapters 59—61

RESERVED

Chapter 62

STREETS AND SIDEWALKS*

Article I. In General

Secs. 62-1—62-25. Reserved.

Article II. Streets

Sec. 62-26. Definitions.
Sec. 62-27. Street designations.
Sec. 62-28. Development of streets; dimensions.
Sec. 62-29. Priority of traffic flow.
Sec. 62-30. Regulation of setbacks and curb cuts.
Sec. 62-31. Maintenance of privately owned streets, driveways and parking lots.
Secs. 62-32—62-60. Reserved.

Article III. Trees and Shrubs in Rights-of-Way

Sec. 62-61. Definitions.
Sec. 62-62. Planting on right-of-way.
Sec. 62-63. Traffic hazard—Designated.
Sec. 62-64. Same—Unlawful to plant.
Sec. 62-65. Same—Removal.
Secs. 62-66—62-95. Reserved.

Article IV. Driveway Culverts

Sec. 62-96. Construction—Approval by city.
Sec. 62-97. Same—Material, dimensions.
Sec. 62-98. Same—Apportionment of costs.
Sec. 62-99. Substandard culverts—Removal by city.
Sec. 62-100. Same—Requirements for replacement.
Secs. 62-101—62-130. Reserved.

Article V. Curb Cuts and Driveway Approaches

Sec. 62-131. Plans and specifications.
Sec. 62-132. Permit required.
Sec. 62-133. Issuance of permit.
Sec. 62-134. Noncompliance by permittee.
Sec. 62-135. Indemnity.
Sec. 62-136. Minimum standards.
Secs. 62-137—62-165. Reserved.

***Cross references**—Any ordinance dedicating, naming, establishing, locating, opening, paving, widening, vacating, etc., any street or public way in the city saved from repeal, § 1-7(a)(5); any ordinance establishing or prescribing grades for streets in the city saved from repeal, § 1-7(a)(6); any ordinance relating to local improvements and assessments therefor saved from repeal, § 1-7(a)(8); possession or consumption of alcoholic beverages on public property, § 6-5; buildings and building regulations, ch. 18; house numbers, § 18-356 et seq.; peddlers, solicitors and itinerant vendors, § 22-26 et seq.; road impact fee, § 42-51 et seq.; traffic and vehicles, ch. 74; utilities, ch. 78; vehicles for hire, ch. 82; stormwater management, ch. 106; subdivisions, ch. 110; zoning, ch. 118; manual for construction and installation of improvements, app. A; franchises, app. B.

State law references—Supplemental and alternative method of making local municipal improvements, F.S. ch. 170; municipal public works, F.S. ch. 180; uniform minimum standards for design, construction, and maintenance of all public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, bicycle trails, underpasses and overpasses, F.S. § 335.075.

WINTER GARDEN CODE

Article VI. Sidewalks and Unpaved Rights-of-Way

- Sec. 62-166. Sidewalks, pedestrian and service easements.
- Sec. 62-167. Unpaved right-of-way and sidewalk maintenance.
- Sec. 62-168. Exemption: unpaved right-of-way, city maintained.
- Sec. 62-169. Responsibility for noncompliance.
- Sec. 62-170. Enforcement; abatement of nuisance.
- Sec. 62-171. Appeals.
- Sec. 62-172. Liens; assessment.
- Sec. 62-173. Opposing, obstructing or resisting code inspector.
- Sec. 62-174. No liability for reasonable, good-faith trespass by code inspector.
- Secs. 62-175—62-200. Reserved.

Article VII. Sidewalk Cafes and Merchandise Display

Division 1. In General

- Sec. 62-201. Definitions.
- Sec. 62-202. Purpose.
- Sec. 62-203. Declaration of necessity and intent.
- Sec. 62-204. Scope.
- Sec. 62-205. Permits.
- Sec. 62-206. Operations within the public ways.
- Sec. 62-207. Revocation or suspension of permit.
- Sec. 62-208. Denial; appeals from the decision of the city manager.
- Sec. 62-209. Removal and storage fees; disposition of property.
- Sec. 62-210. Indemnification and insurance.
- Sec. 62-211. Violations.
- Sec. 62-212. Classes of violations and penalties.
- Sec. 62-213. Non-exclusivity.
- Sec. 62-214. Suit to collect lien.
- Sec. 62-215. Permissive grant.
- Sec. 62-216. Variances.
- Sec. 62-217. Suspension of article.
- Secs. 62-218—62-228. Reserved.

Division 2. Sidewalk Cafes

- Sec. 62-229. Size of sidewalk cafe area.
- Sec. 62-230. Standards, criteria and conditions for sidewalk cafes.
- Secs. 62-231—62-239. Reserved.

Division 3. Merchandise Display

- Sec. 62-240. Size of outdoor merchandise area.
- Sec. 62-241. Standards, criteria and conditions for outdoor merchandise areas.
- Secs. 62-242—62-299. Reserved.

Division 4. Fencing Criteria

- Sec. 62-300. Applicability.
- Sec. 62-301. Height.
- Sec. 62-302. Openings/entranceways.
- Sec. 62-303. Materials and colors.
- Sec. 62-304. Architecture.