

Sec. 78-268. Restrictions on use of alternative water sources.

No person shall install a new irrigation well to serve property where reclaimed water distribution facilities are available; nor shall any person utilize potable water for irrigation through a new or existing lawn meter on property where reclaimed water distribution facilities are available. Existing private irrigation systems which connect to the reclaimed water system and are presently served by an on-site well or other water source shall disconnect the well or other water source permanently. Dual or temporary connections of wells to irrigation systems served by reclaimed water are not permitted. Dual or temporary connections may be made to natural surface waters or artificially created surface impoundments as permittable by FDEP when declared exempt by the director. The director may make such declaration of exemption as to a limited area or particular lake or as to a particular property or class of properties (i.e., commercial, multi-family, etc.) and for such a limited time period as determined necessary by the utilities director to serve and protect the public interest. In making such determinations, the utilities director shall consider, among other things, the following factors:

- (1) Whether city-wide reuse irrigation utilization is high;
- (2) Whether such irrigation would not be detrimental to the body of water; and
- (3) Whether the particular property or class of properties has the physical means to take water from the body of water using available facilities which can be isolated from other piping systems so as not to pose cross connection control problems. A declaration of exemption issued under this section shall not exempt the user or property from compliance with all other regulatory requirements of the St. Johns River Water Management District, State of Florida Department of Environmental Protection, the City of Winter Garden, and all other applicable local, regional, state, or federal agencies.

(Ord. No. 01-52, § 2, 7-26-01; Ord. No. 06-12, § 9, 3-9-06)

Sec. 78-269. Maintenance.

(a) All portions of the system owned by the city will be operated and maintained by the city. No person shall perform any work on, nor be reimbursed for any work on the system unless written authorization is provided prior to commencement of any part of the work.

(b) The customer or property owner shall be responsible for the proper connection to and maintenance of all on-site facilities, including private reclaimed water systems or appurtenances downstream of the city's point of delivery on property served by the city, such as irrigation lines, spray heads, and appurtenances on property served by the city. In addition, should the customer require reclaimed water at different pressures, or different quality, or in any way different from that normally supplied by the city, the customer shall be responsible for the necessary devices to make these adjustments; provided, however, that such devices shall require the prior written approval of the director. Failure to maintain the on-site system in the proper manner will be grounds for discontinuance of reclaimed water service until such time as the city certifies that the required maintenance has been performed.

(c) The city shall make a reasonable effort to inspect and keep the city facilities and appurtenances in good repair but assumes no liability for any damage caused by the system that is beyond the control of normal maintenance or due to situations not reported to or known by the city in sufficient time to cause repairs including, but not limited to, damage due to breaking of pipes, poor quality of water caused by unauthorized or illegal entry of foreign materials into the system, and faulty operation of fire protection facilities.

(Ord. No. 01-52, § 2, 7-26-01)

Sec. 78-270. Petition for distribution main extension.

Reclaimed water service may be provided to portions of the reuse service area as a part of the city's ongoing reclaimed water distribution main extension program. Property owners or residents may request extension of service to a street or within a subdivision or contiguous part thereof by filing a petition for reclaimed water service with

the city. Forms for the petition are available from the public services department. Upon receipt of completed and signed petitions from at least 51 percent of all properties along a street or within a contiguous area, the city shall consider such petition and, if approved, schedule the installation of the reclaimed water distribution system at the earliest practicable date.

(Ord. No. 01-52, § 2, 7-26-01; Ord. No. 11-02, § VI, 1-13-11)

Sec. 78-271. Inspections.

(a) To ensure that the provision of the city ordinances and regulations and procedures are being observed, duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter any building, structure, or property serviced by a connection to the reclaimed water system of the city for purposes of inspecting the piping system or systems, backflow preventer, valves, and/or all devices installed by the customer which connect to or control the reclaimed water distribution system or use of reclaimed water on such property.

(b) Consent to such access shall be obtained from a person of suitable age and discretion therein or in control thereof. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of violation of the policies and regulations adopted herein and shall be grounds for immediate discontinuance of the reclaimed water service by the city to the property.

(c) Inspections shall be at reasonable times and with reasonable frequency. Where there exists cause to believe that a violation is committed, the city may cause the property to be inspected as necessary to prevent or terminate the occurrence of such violations(s).

(Ord. No. 01-52, § 2, 7-26-01)

Sec. 78-272. Discontinuance of service.

(a) *Discontinuance of service by the city.* The director or his designee is hereby authorized and directed to discontinue reclaimed water service to any property, after notice, where any violation of this article exists, and to take such other precautionary measures deemed necessary to eliminate

any danger of contamination of the public potable water supply system. Reclaimed water service to such property shall not be restored until the violation has been eliminated in compliance with the provisions of this chapter.

(b) *Discontinuance of service at the request of the customer.* A customer will not be charged a fee for discontinuing reclaimed water service. Discontinuance shall not relieve the customer of any amounts due or liens imposed for monthly service or availability charges, connection fees, meter installation fees or other costs.

(Ord. No. 01-52, § 2, 7-26-01)

Sec. 78-273. Unlawful works or connections to the reclaimed water system.

(a) No person, unless expressly authorized by and with written consent of the director or his designee, shall be allowed to work on or otherwise alter the reclaimed water distribution system, and then only under the direction and supervision of the director or his designee. No person shall tamper with, alter, damage, cut into, or make connection with the reclaimed water system or a city reclaimed water facility.

(b) No person shall open or close valves to the system, turn on hydrants or cause water to flow from the reclaimed water system without prior written consent of the director or his designee.

(c) The offending person shall be liable for any and all, and charges attributable to the correcting of such tampering or alteration, including legal expenses, but payment of or correcting of such damage shall not relieve the offending person from civil or criminal penalties the city or a court of law may impose for violation of a city ordinance.

(Ord. No. 01-52, § 2, 7-26-01)

Sec. 78-274. Exemptions and variances.

Exemptions and variances shall be approved or denied by the City Commission of the City of Winter Garden after public hearing, based upon the recommendation of the city manager, and upon consideration of the following conditions:

(1) *Alternate reuse sites.* Properties being developed as planned unit developments or

developments of regional impact may be exempted from the requirements of reuse connection if a binding contract is executed for the provision of alternate reuse sites and lines that otherwise would not require the installation of reuse lines. For each acre of wetted surface to be exempted from the reuse requirement, one and five-tenths acres of alternate reuse wetted surface will be provided, including all lines and sprayheads necessary to irrigate the area. Any site considered as an alternate site shall be ready to receive reclaimed water concurrent with the issuance of the first certificate of occupancy in the exempted area. For the purpose of this exemption, golf courses are normally required to utilize reuse and therefore are not considered as an alternate site.

- (2) *Low-income housing subdivisions.* Those housing projects receiving federal housing subsidies and other similar financial assistance may be exempted, upon recommendation of the city manager, after submittal of information documenting that the future residents of the project will be unable to purchase and maintain the necessary in-ground irrigation equipment.

(Ord. No. 01-52, § 2, 7-26-01)

including attorney's fees and costs of correcting unauthorized work, tampering or damage to the system.

(c) In addition to any penalty provided by law for the violation of any provisions of this article, the city may bring suit in the appropriate court to enjoin, restrain, or otherwise prevent the violation.

(Ord. No. 01-52, § 2, 7-26-01)

Secs. 78-275—78-285. Reserved.

DIVISION 4. ENFORCEABILITY

Sec. 78-286. Violation liability.

(a) Any person violating any provision of this article shall, upon conviction, be punishable as provided in the City of Winter Garden Code. Each day such violation is committed or permitted to continue shall constitute a separate offense. In addition, such person or customer shall pay all costs and expenses involved in the case, including attorney's fees.

(b) Any person or customer in violation of any of the provisions in this article shall become liable to the city for any expense, loss, or damage incurred by the city by reason of such violation,

Chapters 79—81

RESERVED

Chapter 82

VEHICLES FOR HIRE*

Article I. In General

Secs. 82-1—82-25. Reserved.

Article II. Taxicabs

Division 1. Generally

Sec. 82-26. Definitions.
Sec. 82-27. Compliance required.
Sec. 82-28. Occupational license required.
Sec. 82-29. Liability insurance or surety bond.
Secs. 82-30—82-55. Reserved.

Division 2. Permit

Sec. 82-56. Required.
Sec. 82-57. Application.
Sec. 82-58. Investigation of application.
Sec. 82-59. Issuance or denial; transferability.
Sec. 82-60. Suspension or revocation.
Secs. 82-61—82-85. Reserved.

Division 3. Regulations

Sec. 82-86. Driver's license required.
Sec. 82-87. Hours of driving.
Sec. 82-88. Display of trade name required.
Sec. 82-89. Schedule of rates to be posted; excessive charges.
Sec. 82-90. Report of violations.
Sec. 82-91. Inspection of taxicabs required.
Sec. 82-92. Rates.
Sec. 82-93. Unauthorized use of streets.
Sec. 82-94. Soliciting passengers on streets—Generally.
Sec. 82-95. Same—Cruising prohibited.

Article III. Commercial Horse-Drawn Carriages

Sec. 82-96. Definitions.
Sec. 82-97. Use of streets.
Sec. 82-98. Restrictions; routes by resolution; commercial operational hours.
Sec. 82-99. Stopping, standing, and parking.
Sec. 82-100. Compliance with City Code, traffic regulations, and applicable law.
Sec. 82-101. Equipment and safety requirements; sanitation.
Sec. 82-102. Animal safety and care.
Sec. 82-103. Adverse weather.
Sec. 82-104. Liability insurance or surety bond.
Sec. 82-105. Periodic carriage inspections.
Sec. 82-106. Enforcement.

***Cross references**—Any ordinance or resolution prescribing taxicab passenger rates saved from repeal, § 1-7(a)(12); businesses, ch. 22; streets and sidewalks, ch. 62; traffic and vehicles, ch. 74.

