

stantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of

ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Code 1988, § 1-12)

Sec. 1-14. Altering Code.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code or to insert or delete pages or portions thereof or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. (Code 1988, § 1-13)

Sec. 1-15. General penalty; continuing violations.

(a) Whenever in this Code any act is prohibited or is made or declared to be unlawful or an offense or whenever in this Code the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of any such section of this Code shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days. Each day any violation of any section of this Code shall continue shall constitute a separate offense.

(b) In addition to the penalties provided in subsection (a) of this section, any condition caused or permitted to exist in violation of any of the sections of this Code shall be declared 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, § 1-14)

Charter reference—Penalty for violation of ordinances, etc., §§ 8(19), 13(5).

State law reference—Penalty for violation of ordinances, F.S. § 166.22.

Chapter 2

ADMINISTRATION*

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Article II. Code Enforcement

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Sec. 2-89. Citation form.
Sec. 2-90. Options of persons cited.

***Cross references**—Any ordinance containing any administrative provisions saved from repeal, § 1-7(a)(20); civil emergencies, ch. 30; administration of noise regulations, § 38-164; finance, ch. 42; taxation, ch. 66; utilities, ch. 78; concurrency management system, ch. 86; administration of flood damage prevention regulations, § 90-61 et seq.; planning and development, ch. 98; administration of sign regulations, § 102-31 et seq.; administration of zoning regulations, § 118-41 et seq.; administration of industrial and commercial planned unit developments, § 118-986 et seq.; administration and enforcement of performance standards, § 118-1337.

State law references—Municipal Home Rule Powers Act, F.S. ch. 166; intergovernmental programs, F.S. ch. 163; public records, F.S. ch. 119; public meetings and records, F.S. § 286.011; voting requirements at meetings, F.S. § 286.012; destruction of public records, F.S. §§ 119.041, 267.051.

WINTER GARDEN CODE

Sec. 2-91. Procedures for payment of civil penalty.
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Article VII. Ex Parte Communications

- Sec. 2-386. Definitions.
- Sec. 2-387. Access permitted; procedures.
- Sec. 2-388. Forms.

ARTICLE I. IN GENERAL

Sec. 2-1. Special assessment court costs.

(a) There is assessed by the city, in compliance with F.S. § 943.25(13), an additional \$2.00, as court costs against every person convicted for violation of a state penal or criminal statute or convicted of a violation of a municipal ordinance, where the offense occurred within the city limits. In addition, \$2.00 shall be deducted from every bond estreature or forfeited bail bond related to such penal statutes or ordinances. However, no such assessment shall be made against any person convicted for violation of any state statute or municipal ordinance relating to the parking of vehicles.

(b) All such assessments shall be collected by the appropriate court and shall be remitted to the city and earmarked for law enforcement education and training for members of the police department. The use and expenditure of such funds shall be in accordance with education and training programs for law enforcement personnel as determined by the chief of police and in accordance with F.S. § 943.25(13).

(Code 1988, § 2-1)

State law reference—Authority to levy assessment, use of funds, F.S. § 943.25(13).

Secs. 2-2—2-30. Reserved.

ARTICLE II. CODE ENFORCEMENT*

DIVISION 1. GENERALLY

Secs. 2-31—2-58. Reserved.

DIVISION 2. CODE ENFORCEMENT BOARD

Sec. 2-59. Special magistrate: Appointment, qualifications, compensation, duties, and policies.

(a) *Appointment.* The city commission shall appoint one or more qualified individuals as special magistrates by majority vote. Alternate

***State law references**—Code of ethics, F.S. § 112.311 et seq.; public meetings, F.S. § 286.011; public records, F.S. § 119.01 et seq.; municipal code enforcement, F.S. ch. 162.

special magistrates may also be appointed. Special magistrates shall serve at the pleasure of the city commission and may be suspended or removed by a majority vote of the city commission.

(b) *Qualifications.* Special magistrates must be members in good standing of the Florida Bar for at least five years. They must demonstrate satisfactory knowledge of municipal law, general procedures for enforcement of municipal codes, and possess a suitable temperament for the exercise of quasi-judicial powers.

(c) *Compensation.* The amount of compensation for special magistrates shall be determined by contract and approved by the city commission.

(d) *Duties and powers.* Special magistrates shall have the same duties, powers, and limitations as those conferred on the code enforcement board under this article, as applicable. Their authority includes, but is not limited to:

- (1) Hearing and deciding alleged violations of city codes and ordinances.
- (2) Hearing appeals related to:
 - a. Chapter 74, article VI, "school zone speed enforcement."
 - b. Chapter 74, article V, "The City of Winter Garden Traffic Light Safety Act."
 - c. Chapter 6, "alcoholic beverages."
- (3) Subpoenaing alleged violators, witnesses, and evidence.
- (4) Administering oaths and taking testimony.
- (5) Issuing orders to bring violations into compliance.
- (e) *Policies and procedures.*
 - (1) The city attorney may attend hearings and represent city staff in the presentation of cases, or the code enforcement officer may present cases, as directed by the planning director.
 - (2) Hearings shall be conducted as often as necessary, and all hearings shall be open to the public.

- (3) A committee consisting of the city manager, city attorney, and planning director may solicit and evaluate applications for special magistrates and make recommendations to the city commission.

(Ord. No. 25-08, § 2, 2-13-25)

Sec. 2-60. Authority of special magistrate.

(a) The special magistrate shall have the same status, powers and duties as a code enforcement board as prescribed in F.S. ch. 162.

(b) The special magistrate shall have the authority to:

- (1) Adopt rules for the conduct of code enforcement hearings;
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county;
- (3) Subpoena evidence;
- (4) Take testimony under oath;
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance;
- (6) Hear appeals for violations under chapter 74, article VI, "school zone speed enforcement" of the City of Winter Garden Code of Ordinances;
- (7) Hear appeals for violations under chapter 74, article V, "The City of Winter Garden Traffic Light Safety Act" of the City of Winter Garden Code of Ordinances;
- (8) Hear appeals related to violations under chapter 6, "alcoholic beverages" of the City of Winter Garden Code of Ordinances.

(Ord. No. 25-08, § 2, 2-13-25)

(b) The membership of the code enforcement board shall be made on the basis of experience or interest in the fields of zoning and building control in the sole discretion of the city commission and shall, whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor.

(c) Appointment to the code enforcement board shall be for a term of three years. Any member may be appointed or reappointed by approval of the city commission. Terms of office shall commence and expire in the month of June, and appointments for new or expired terms shall be made at the first city commission meeting held in June. An appointment to fill a vacancy on the code enforcement board shall be effective until June of the last year of the remaining term of office and until a successor is appointed.

(d) Any member of the code enforcement board who fails to attend two of three successive meetings without cause and without prior approval of the chair shall automatically forfeit his appointment, and the vacancy shall be filled by appointment by the mayor subject to confirmation by the city commission.

(e) Members of the code enforcement board may be removed from office for cause with the approval of the city commission.

(f) The code enforcement board members shall elect a chair, who shall be a voting member, and a vice-chair. The presence of four or more members shall constitute a quorum for the code enforcement board necessary to take action.

(g) Members of the board shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the city commission.

(h) The city's attorney shall either be counsel to an enforcement board or shall represent the city by presenting cases before the enforcement board, but in no case shall the city's attorney serve in both capacities.

(Code 1988, § 2-61; Ord. No. 10-10, § I, 1-28-10; Ord. No. 21-15, § 2, 8-12-21)

State law reference—Similar provisions, F.S. § 162.05.