

<i>Paragraph</i>	<i>Short Title</i>	<i>Assigned Class</i>
Sec. 66-93(c)	Failure to pay occupational license fee within 149 days of tax due notice	2
<b>Chapter 71</b>	<b>Cable Communications</b>	
Article II	Failure to comply with terms and conditions under a franchise or pursuant to a franchise agreement including, but not limited to, the provision of required data and documents	3
Article IV	Violation of operational rules	5
<b>Chapter 74</b>	<b>Traffic and Vehicles</b>	
Sec. 74-137	Failure to obtain parade permit	
Sec. 74-139	Interference with a properly permitted parade or motorcade	
<b>Chapter 78</b>	<b>Utilities</b>	
Sec. 78-32	Creation of a cross connection with private water supply	2
Sec. 78-36(a), (b)	Tampering with city utility property	3
Sec. 78-36(c)	Furnishing water to any other person via temporary means	3
Sec. 78-41	Discharge of extreme waste into sanitary sewer	3
Sec. 78-42	Unauthorized connection or discharge of waste to sewer system	2
Sec. 78-43	Unauthorized disposal of waste petroleum products	3
<b>Chapter 82</b>	<b>Vehicles for Hire</b>	
Sec. 82-29	Operating without proper insurance	1
Sec. 82-56	Operating without proper permit	1
Sec. 82-88	Failure to display trade name	1
Sec. 82-89	Failure to post schedule of rates	1
Sec. 82-93	Unauthorized use of streets	1
Sec. 82-94	Soliciting passengers on streets	1
Sec. 82-95	Engaging in cruising	1
<b>Chapter 102</b>	<b>Signs</b>	
Sec. 102-4	Erecting, placing or maintaining illegal signs	1
Sec. 102-57(a), Sec. 102-58(a)	Failure to obtain permits for all new signs which are not exempt	2
Sec. 102-61	Failure to maintain signs	2
Article III, Div. 3	Violation of temporary on-site sign regulations	1
Article III, Div. 4	Violation of temporary off-premises sign regulations	1
<b>Chapter 106</b>	<b>Stormwater Management</b>	
Sec. 106-16	Failure to control dust, dirt and construction site runoff	4
Sec. 106-17(2)	Failure to control stormwater quality	5

<i>Paragraph</i>	<i>Short Title</i>	<i>Assigned Class</i>
<b>Chapter 110</b>	<b>Subdivisions</b>	
Sec. 110-5(b)	Failure to obtain a land clearing permit	2
Sec. 110-363	Violation of right-of-way utilization regulations	5
<b>Chapter 114</b>	<b>Vegetation</b>	
Sec. 114-64(a)	Violation of tree removal regulations	1
<b>Chapter 118</b>	<b>Zoning</b>	
Sec. 118-11	Violation of camping regulations	1
Sec. 118-96	Failure to obtain a special exception permit when required	2
Sec. 118-1126(1)	Storage, sale, repair or parking of motor vehicles on a public street, parkway, or sidewalk	1
Sec. 118-1126(2)	Impeding free flow of vehicular or pedestrian traffic in normal courses on public ways	1
Sec. 118-1126(3)	Failure to maintain motor vehicles being handled, stored or repaired in such condition that they may be moved under their own power at any time, except such vehicles as may be stored or under repair in garages or other buildings as provided in this division	1
Sec. 118-1126(4)	Repairing of motor vehicles or parts thereof other than within garages, service stations, body shops, or other enclosed building provided for such purposes, and storing of or parts of motor vehicles in other than an enclosed building	2
Sec. 118-1127(b), (c)	Unauthorized storage of disabled motor vehicles	1
Sec. 118-1297(a)	Failure to comply with the general fence requirements	1
Sec. 118-1297(b)	Failure to comply with the swimming pool fences regulations	3
Sec. 118-1297(c)	Failure to comply with the electrical fences regulations	1
Sec. 118-1297(d)	Failure to comply with the barbed wire fences regulations	1
Sec. 118-1297(e)	Failure to comply with the hazardous fences regulations	1
Sec. 118-1297(f)	Failure to obtain fence permit when required	1
Sec. 118-1297(h)	Failure to comply with the chain link fences regulations	1
Sec. 118-1310(f)	Constructing or placing prohibited accessory buildings and structures	2
Sec. 118-1386	Violation of off-street parking requirements (number of spaces)	1
Sec. 118-1387	Violation of off-street parking location requirements	1

(Ord. No. 02-40, § 1, 12-12-02)

**Sec. 2-83. Authorization to designate code enforcement officers.**

The city commission is hereby authorized to designate certain city employees or agents in certain city departments or divisions, or their successors in function, as code enforcement officers. The designations shall be determined by resolution of the city commission.

**Sec. 2-84. Duties of code enforcement officers.**

It is the duty of any person designated as a code enforcement officer to enforce city codes and ordinances as enacted and from time to time amended by the city commission.

**Sec. 2-85. Code enforcement officer training and qualifications.**

The training and qualifications of city employees or agents designated as code enforcement officers shall be established from time to time by the city commission by resolution. Designation as a code enforcement officer does not provide the officer with the power of arrest or subject the code enforcement officer to the provisions of F.S. §§ 943.085—943.255, (1999), or their successor provisions. The designation of additional code enforcement officers and the necessary training and qualifications for code enforcement officers generally may be approved by the city manager or the city manager's designee from time to time without further action of the city commission.

**Sec. 2-86. Limitations on a code enforcement officer's authority.**

Nothing contained in this article shall be construed to authorize or permit an employee of the city to perform any function or duty of a law enforcement officer other than as specified in this article or unless otherwise authorized by law. Code enforcement officers, unless otherwise authorized by law, shall not make physical arrests or take any person into custody.

**Sec. 2-87. Persons authorized to issue citations.**

A code enforcement officer, or any law enforcement officer as defined in F.S. § 943.10(1), (1999),

or successor provision, is authorized to issue a citation, pursuant to the requirements of F.S. ch. 162, pt. II, (1999), and consistent with the procedures set forth in this article, for the violation of any city code or ordinance to a person when, based upon personal investigation, the code enforcement officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge. The word "person" shall have the meaning provided in section 1-2, Code of Ordinances, City of Winter Garden Code. For the purpose of this division "code enforcement officer" shall include any law enforcement officer of the city.

**Sec. 2-88. Violations procedure, issuance of citations.**

(a) For the purpose of this division "violators" shall be deemed to include those persons or entities legally responsible for violations including owners of land, or their agents, upon which a violation occurs.

(b) Prior to issuing a citation, a code enforcement officer shall provide notice, except as provided by subsection (d) below, to the violator that he has committed a violation of the Code or ordinance and shall establish a reasonable time period within which the violator must correct the violation. Such time period to correct the violation shall not exceed 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, the code enforcement officer may issue a citation for a civil infraction to the violator.

(c) A violation of a city code or ordinance is a civil infraction.

(d) A code enforcement officer is not required to provide the violator with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or that the violator is engaged in violations of an itinerant or transient nature, or if the violation is irreparable or irreversible. A

violation of an itinerant or transient nature means a violation of a provision of a code or ordinance which occurs at one location and then moves to another location, or occurs temporarily or which is transitory or passes away with time.

(e) In the absence of the violator, issuance of a warning notice or citation may be accomplished by leaving the copy at the violator's usual place of abode with any person residing therein who is 15 years of age or older and informing the person of the contents or by registered or certified mail, return receipt requested.

(f) Issuance of a warning notice or citation to a violator doing business may be accomplished by leaving the copy at the violator's place of business, during regular business hours, with any employee and informing the employee of the contents or by registered or certified mail, return receipt requested. Each employee of a violator doing business shall be deemed to be an agent of the violator for service of warning notices and citations.

(g) Whenever an alleged violator has a right or is required to do some act within a prescribed period after a notice or other paper and the notice or paper is served by mail, three days shall be added to the prescribed period.

(h) Each violation of a city code or ordinance is a separate civil infraction. Each day such violation shall continue shall be deemed to constitute a separate civil infraction.

(i) The maximum civil penalty pursuant to this article shall not exceed \$500.00, plus applicable court costs and legislative assessments, per violation.

(j) If the person cited refuses to sign the citation, the code enforcement officer shall write the words "refused" or "refused to sign" in the space provided for the person's signature. The code enforcement officer shall then leave a copy of the citation with the person cited, if possible. The willful refusal to sign or accept a citation issued by a code enforcement officer, or refusal to provide the information required by section 2-139, is a violation of F.S. § 162.21(6), (1999), which provides that a person who willfully refuses to sign and accept a citation issued by a code enforcement

officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083, (1999).

(k) An alleged violator who elects to contest the violation in county court shall be responsible for payment of all applicable court costs and appropriate assessments in addition to the applicable civil penalty.

(l) The city shall be entitled to all reasonable attorney's fees for enforcement of this article.  
(Ord. No. 01-13, 3-22-01)

## **Sec. 2-89. Citation form.**

(a) The citation issued by the code enforcement officer shall be in such form as prescribed by Administrative Order No. 07-96-38, issued by the Chief Judge of the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, as may be amended from time to time, and consistent with the requirements of F.S. ch. 162, pt. II, (1999), and shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued and all other identifying information as set forth on the form which is approved in subsection (b) of this section.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting reasonable cause.
- (5) The number or section of the code or ordinance violated.
- (6) The name and authority of the code enforcement officer.
- (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in

court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

- (b) After issuing a citation to an alleged violator, the code enforcement officer shall:
  - (1) Deposit the original citation and one copy of the citation with the Clerk of County Court;
  - (2) Provide the alleged violator with one copy;
  - (3) Deposit one copy with city records; and
  - (4) Retain one copy in the code enforcement officer's department or division file.

**Sec. 2-90. Options of persons cited.**

- (a) Any person cited for violation of city codes or ordinances shall be deemed to be charged with a civil infraction and cited to appear in county court.



(b) Any person cited for a violation under this division may:

- (1) Elect not to contest the citation and shall pay in full the applicable reduced civil penalty as set forth in Exhibit "A"\*, to the Clerk of the County Court within 14 days after issuance of the citation; or

**Editor's note**—\*Exhibit "A" is not included herein but is available for public inspection in city offices.

- (2) Elect to contest the citation and the person shall appear in court before a county court judge within 21 days of issuance of the citation to request a hearing date.

(c) If the person cited pays the civil penalty as provided in subsection (b)(1) of this section, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the issue of validity of the citation.

(d) If the person cited appears in court to receive a court date as provided in subsection (b)(2) of this section, he shall be deemed to have waived his right to pay the civil penalty set forth in Exhibit "A" and shall be subject to the maximum civil penalty which shall not exceed \$500.00, plus all applicable court costs and legislative assessments, per violation.

(e) If the person cited fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation, and judgment may be entered against the person for an amount up to the maximum civil penalty.

(f) A county court judge, after a hearing on the citation, shall make a determination of whether or not a violation of this division has been committed. If a violation is found to have occurred, the county court judge may impose a civil penalty up to the maximum civil penalty in an amount not to exceed \$500.00 plus all applicable court costs.

(g) The judge may provide for the civil penalty to be paid within such time as the judge determines to be appropriate. If the person found to be in violation fails to pay the fine within the time provided, a civil judgment shall be entered against that person in the amount up to the maximum civil penalty not to exceed \$500.00.

(h) Should the person cited schedule a hearing as provided for herein, and thereafter fail to appear at such hearing, the person shall be deemed to have waived the right to contest the citation, and a civil judgment shall be entered against the person in an amount up to the maximum civil penalty. Provided, however, that the court shall have the discretion to continue or reschedule any hearing when it determines that doing so will further the interest of justice. In such an event, the clerk of court shall notify the code enforcement officer and the person cited of the date and time of the new hearing.

## **Sec. 2-91. Procedures for payment of civil penalty.**

Payment of any civil penalty imposed by this article shall be made to the clerk of the court, who shall forward the monies collected to the City of Winter Garden Finance Director for deposit into the appropriate City of Winter Garden fund. The City of Winter Garden Finance Director shall distribute the monies to the zoning, building, environmental protection, or resource recovery fund based upon the citations issued by those departments. If a judgment has been entered for the civil penalty, the clerk of the court shall notify the county when the judgment has been paid, and the necessary satisfaction of judgments shall be prepared and recorded in the official records of Orange County. Ten dollars of each penalty collected shall be retained by the clerk of the court as an administrative fee.

## **Sec. 2-92. Classes of violations and penalties.**

(a) Violations of city codes or ordinances and the applicable civil penalties shall be classified as follows:

<i>Classification</i>	<i>Penalty</i>	<i>Civil Penalty</i>
Class I		\$ 50.00
Class II		100.00
Class III		200.00
Class IV		300.00
Class V		400.00

(b) Each successive repeated violation of a particular code or ordinance section shall be subject to a civil penalty for the next higher violation classification. For example, a second violation of a

Class I violation will be fined as a Class II violation, a third violation of a Class I violation will be fined as a Class III violation, and so on.

(c) City codes and ordinances subsequently enacted or amended may set forth the applicable civil penalty for violations by designating the appropriate violation classification as provided in subsection (a) of this section.

#### **Secs. 2-93—2-100. Reserved.**

### **ARTICLE III. OFFICERS AND EMPLOYEES\***

#### DIVISION 1. GENERALLY

#### **Secs. 2-101—2-130. Reserved.**

#### DIVISION 2. DIRECTOR OF PARKS AND RECREATION

#### **Sec. 2-131. Office created.**

There is created the office of director of parks and recreation. The director of parks and recreation shall perform all the duties in the line of his profession as may be required of him by the city manager, by this Code or by other city ordinances. (Code 1988, § 2-131)

#### **Sec. 2-132. Appointment and discharge.**

The director of parks and recreation shall be appointed by the city manager and may be removed as provided in the Charter. (Code 1988, § 2-132)

\***Cross references**—Personnel policy, § 2-206 et seq.; city health officer designated, § 38-26; pensions and retirement, ch. 54.

**State law references**—Suspension, removal of municipal board members from office, F.S. § 112.501; suspension, removal of municipal elected officers from office, F.S. § 112.51; discrimination in county and municipal employment, F.S. § 112.042; code of ethics for public officers and employees, more stringent requirements permitted, F.S. § 112.311 et seq.; political activities, F.S. § 104.31; collective bargaining, F.S. ch. 447; age discrimination, F.S. § 112.044; oath, F.S. § 876.05; travel expenses, applies except for conflict with special or local law, F.S. § 112.061.

#### **Sec. 2-133. Compensation.**

The compensation of the director of parks and recreation shall be fixed by the city manager and paid in the manner provided by ordinance. (Code 1988, § 2-133)

#### **Sec. 2-134. Duties generally.**

The director of parks and recreation shall perform the following duties:

- (1) Organize, plan and develop recreational programs consistent with the needs and interest of the city residents.
  - (2) Contribute plans, proposals and ideas to neighborhood groups regarding recreation activity.
  - (3) Confer with school officials, scheduling personnel, other government and civic agencies to offer maximum cooperation and meeting recreational needs of city residents.
  - (4) Conduct special surveys and community studies of existing recreation areas, facilities and services, and project potential needs and areas for development.
  - (5) Supervise, train and evaluate performance of subordinates in the parks and recreation department.
  - (6) Plan and develop a budget for departmental operations.
  - (7) Participate in procurement of grant funds for development of parks and recreational programs.
  - (8) Other relevant duties as might be assigned by the city manager.
- (Code 1988, § 2-134)

#### **Secs. 2-135—2-160. Reserved.**