

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING CHAPTER 19, WATER AND SEWER UTILITIES, ARTICLE I, GENERAL PROVISIONS, SECTION 19-2.5, CONNECTION TO APPROVED SEWER SYSTEM AND MUNICIPAL WATER SYSTEM MANDATORY UPON AVAILABILITY, REGARDING MANDATORY CONNECTIONS OF RECLAIMED WATER SYSTEMS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the South Florida Water Management District issued Emergency Order No. 2023-063-DAO WS on November 28, 2023, declaring a water shortage and imposing modified Phase III water use restrictions for a specific geographical area in the northeastern portion of the City of Cape Coral; and

WHEREAS, the Mayor and City Council hereby find that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The specific geographic area that is impacted by the overuse of the Mid-Hawthorn Aquifer from private ground water-wells is geographically delineated with specificity in Exhibit 1, attached hereto and incorporated herein by reference.

SECTION 2. The City of Cape Coral, Florida, Code of Ordinances, Chapter 19, Section 19-2.5, Connection to approved sewer system and municipal water system mandatory upon availability, is hereby amended to read as follows:

**§ 19-2.5 – Connection to approved sewer system, reclaimed water system and municipal water system mandatory upon availability.**

- a) *Nonuse of individual sewage disposal system.* Where an existing, adequate sanitary sewer of a sewage system is available in a public right-of-way or easement abutting the property, 200 linear feet of a gravity flow line from the nearest point of the property, sewage waste shall be connected thereto, and any individual sewage disposal system, device or equipment shall be abandoned.
- (b) *Nonuse of well for potable drinking water purposes.* Where an existing, adequate municipal potable water system is available in a public right-of-way or easement abutting the property, or within 200 feet of the property being served by a well system, connections shall be made so that the well shall no longer be used for human consumption.
- (c) *Nonuse of well for irrigation purposes.* Where a reclaimed water pipeline is available in a public right-of-way or easement abutting the property, or within 200 feet of the property being served by a well system, connection and use of reclaimed water shall be mandatory in areas impacted by the overuse of the Mid-Hawthorn Aquifer from private ground-water wells.
- (ed) *Effect.* Sewer, reclaimed water and potable water charges shall be in effect upon connection or beginning 180 days from notification of the availability of sewer, reclaimed water and potable water service, whichever is less.
- (de) *Time limitation for making connection.* Whenever an approved sanitary sewer system is made available, ~~or~~ whenever an accepted municipal potable water facility is made available, or whenever a reclaimed water system is made available in areas impacted by overuse of the Mid-Hawthorn Aquifer to a residence or a building, connection to the available system shall be made within 180 days from the date of notice sent to the owner of record.
- (ef) *Penalty.* Any person failing to connect to approved utilities within the 180-day period, shall be guilty of an ordinance violation for each day in excess of 180 days and be subject to a penalty.

SECTION 3. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall become immediately upon its adoption.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL,  
FLORIDA, AT THEIR REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

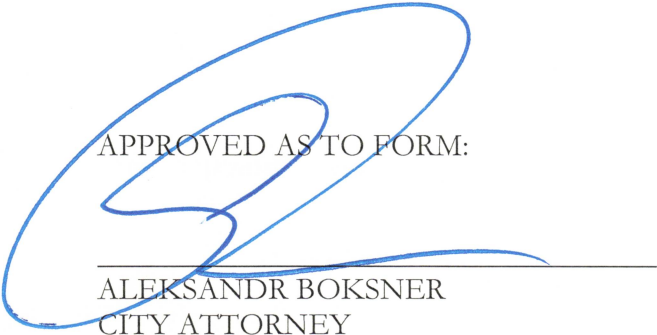
GUNTER \_\_\_\_\_  
STEINKE \_\_\_\_\_  
LEHMANN \_\_\_\_\_  
DONNELL \_\_\_\_\_

LASTRA \_\_\_\_\_  
KILRAINE \_\_\_\_\_  
LONG \_\_\_\_\_  
KADUK \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

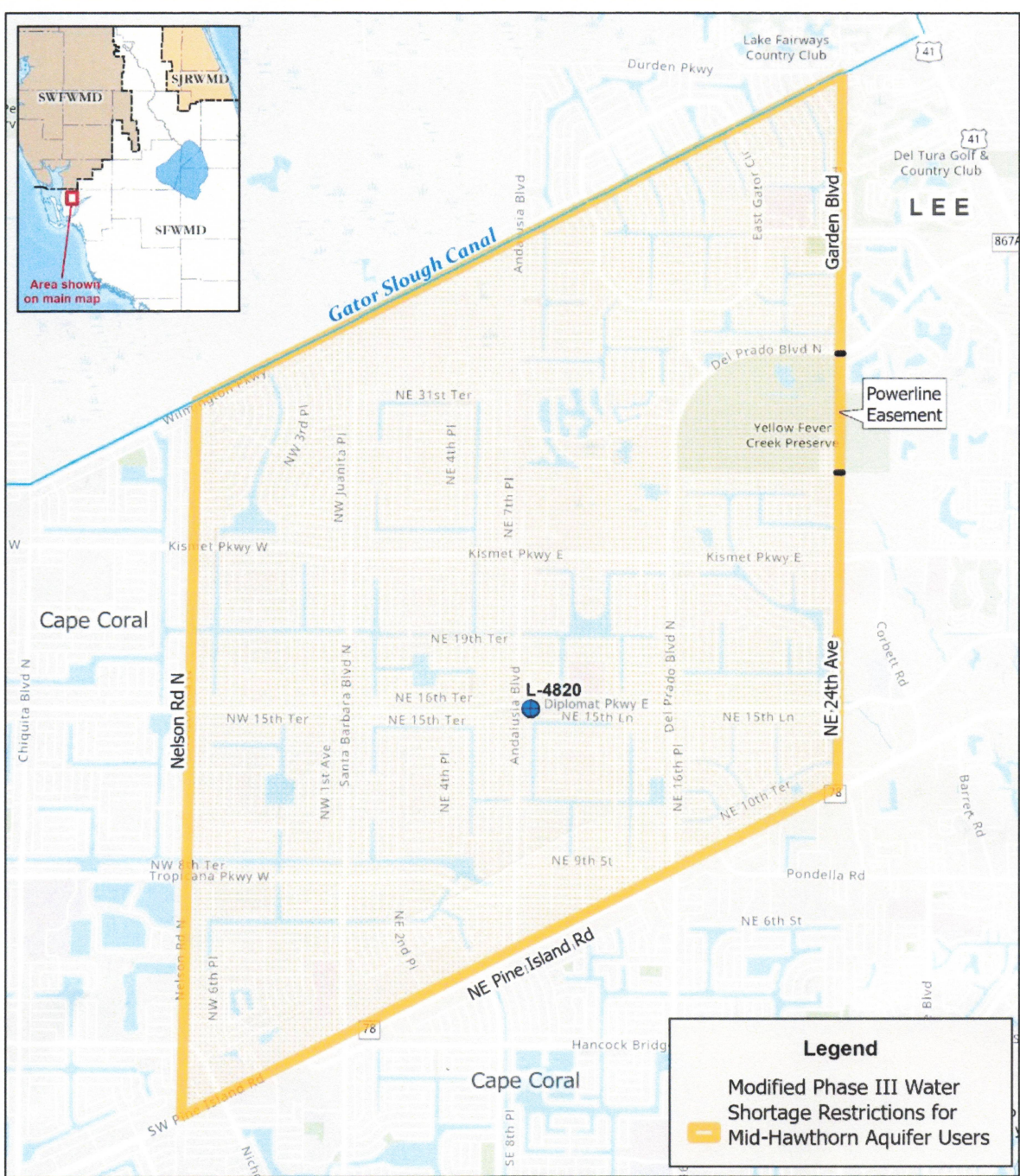
\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK


APPROVED AS TO FORM:

  
\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
Ord/Irrigation Mandatory Connection

  
\_\_\_\_\_

# EXHIBIT 1





**SWFWMD**  
South Florida Water Management District

3621 South Loop West, West Palm Beach, Florida 33409  
(561) 466-6600, www.swfwmd.gov


### Modified Phase III Water Shortage Restrictions for Mid-Hawthorn Aquifer Users

DATE CREATED: 11/28/2023  
Note: please provide a hard copy of this map to the user.


REVISIONS: NONE

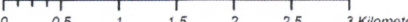
This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not used, accepted or relied upon, and does not affect the interests of any persons or properties, including any person's future right to use or sell property.

Map Date: November 2023



**IT**  
GEOSPATIAL SERVICES





User Name: ahoffart

Date Saved: 11/28/2023 9:05 AM

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Layout Name: 20231128\_CapeCoral\_WaterShortageAreaV2

# Business Impact Estimate

Proposed ordinance's title/reference: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL FLORIDA, AMENDING CHAPTER 19, WATER AND SEWER UTILITIES, ARTICLE I, GENERAL PROVISIONS, SECTION 19-2.5, CONNECTION TO APPROVED SEWER SYSTEM AND MUNICIPAL WATER SYSTEM MANDATORY UPON AVAILABILITY, REGARDING MANDATORY CONNECTIONS OF RECLAIMED WATER SYSTEMS, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Cape Coral hereby publishes the following information:

1. The ordinance is required to protect public health, safety and the welfare of the community. The Mid-Hawthorn aquifer is becoming unsustainable for further use from private wells for outdoor irrigation purposes. The aquifer is not recovering water levels during the rainy season and the frequent droughts have exacerbated ground water levels in the Mid-Hawthorn Aquifer. The Ordinance will require properties to connect to the City's irrigation system and will no longer have the option to continue utilizing private wells for outdoor irrigation of lawns and landscaping.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Cape Coral, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur: Cost will vary depending on the plumber that connects a private automatic sprinkler system to the City's reclaimed water system. The estimate is between \$750-\$1,000. Approximately 90% or more of property owners already connect when irrigation becomes available to their property in the UEP areas.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible: Property owners will be charged \$9.50 per month flat rate for the irrigation water but should realize a savings in electricity costs for not running their well pump once they connect to the City's centralized irrigation system.

(c) An estimate of the City of Cape Coral's regulatory costs, including estimated revenues from any new charges or fees to cover such costs. The City's current cost for inspection of the plumber's connection is \$49.50. The estimated additional revenue from the roughly 10 percent of customers that choose to continue using their private well in other areas of the City is approximately  $693 \times \$9.50 = \$6,583.50$  per month minus City's cost to produce and pump the irrigation water which exceed this amount.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: The number of businesses that will be impacted is 19 based on the City's GIS and information technology systems.

4. Additional information the governing body deems useful (if any): The Mid-Hawthorn Aquifer is reaching record low levels. If something is not done to curtail water withdraws from this aquifer from private residential water wells, it could cause irreversible damage to the Mid-Hawthorn aquifer from aquifer compaction and land subsidence.