

ORDINANCE 32 - 25

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 19, "WATER AND SEWER UTILITIES", ARTICLE VII, "WATER MANAGEMENT", SECTION 19-94, "PENALTIES", REGARDING THE PENALTIES FOR WATER MANAGEMENT VIOLATIONS; AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 21, "SOUTH FLORIDA WATER MANAGEMENT DISTRICT WATER SHORTAGE PLAN", SECTION 21-7, "PENALTIES", REGARDING THE PENALTIES FOR WATER MANAGEMENT VIOLATIONS; PROVIDING FOR CODIFICATION AND RESOLUTION OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 19, Water and Sewer Utilities, Article VII, Water Management, Section 19-94, Penalties, of the City of Cape Coral, Florida, Code of Ordinances, is hereby amended to read as follows:

§ 19-94 - Penalties.

Violation of any provision of this article, or a violation of Chapter 21 of the Cape Coral Code of Ordinances, within a consecutive 12-month period shall result in the following penalties:

- (a) First violation: no fine.
- (b) Second violation: \$200 fine.
- (c) Third violation: \$350 fine.
- (d) Fourth and subsequent violations: \$ 500 fine. An irrigation water customer may also be disconnected and subject to a reconnection fee. Reconnection of service shall be at the sole discretion of the City Manager or his or her designee.

SECTION 2. Chapter 21, South Florida Water Management District Water Shortage Plan, Section 21-7, Penalties, of the City of Cape Coral, Florida, Code of Ordinances, is hereby amended to read as follows:

§ 21-7 – Penalties.

(a) Violation of any provision of this chapter shall be subject to the ~~following~~ penalties provided in Section 19-94, Cape Coral Code of Ordinances.

- ~~(1) First violation: No fine.~~
- ~~(2) Second violation: \$100 fine.~~
- ~~(3) Third violation: \$200 fine.~~
- ~~(4) Fourth and subsequent violations: \$400 fine. A dual water customer may also be disconnected and subject to a reconnection fee of \$80. Reconnection of service shall be at the sole discretion of the City Manager or his designee.~~

(b) Each violation of this chapter shall constitute a separate offense. In the initial stages of a water shortage or water shortage emergency, law enforcement officials may provide violators with no more than one written warning.

(c) The city, in addition to the provisions herein, may take any other additional action, including but not limited to, emergency injunctive action to enforce the provisions of this chapter.

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 effective immediately after its adoption by the Cape Coral City Council.

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/IrrigationPenalties