

ORDINANCE 53 - 20

AN ORDINANCE OF THE CITY OF CAPE CORAL AMENDING THE CODE OF ORDINANCES, CHAPTER 19, "WATER AND SEWER UTILITIES", ARTICLE V, "EXTENSION POLICY", SECTION 19-58, "OBLIGATIONS OF CITY", TO PROVIDE CLARIFICATION OF THE CITY'S RESPONSIBILITIES IN THE INSTALLATION OF UTILITY LINES WHEN PARCELS ARE SPLIT OR COMBINED AFTER INITIAL INSTALLATION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. The City Council hereby amends Chapter 19, Water and Sewer Utilities, Article V, Extension Policy, Section 19-58, Obligations of City, as follows:

**CHAPTER 19: WATER AND SEWER UTILITIES**

**ARTICLE V. EXTENSION POLICY**

...

§ 19-58 - Obligations of city.

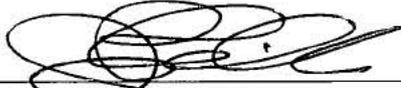
- (a) The city shall maintain as-built information on its water and sewer facilities in its office or in the office of its designated representatives for the purpose of providing reasonable information concerning the location of its water and sewer facilities.
- (b) The city shall install all meters upon the request of prospective consumers providing that contributions in aid of construction, as described herein, and meter installation fees, as set forth in § 19-39 of this code, have been paid in accordance with the provisions of this extension policy.
- (c) In instances where the city undertakes the installation of water distribution, wastewater collection and/or irrigation water lines, at the cost and expense of the developer, in lieu of the developer's installation of the facilities, or in connection with an assessment program, the city will provide laterals for water and sewer service to the developer's lot line ready for the plumber's hookup and the installation of meters-, subject to the following:
  - (1) The city will design and install such laterals based upon then-current parcel boundaries and is not required to consider future or potential use of affected parcels.
  - (2) Thereafter, if additional laterals are required to meet city utility specifications as a result of development or redevelopment of the parcel, or the previously installed lateral(s) must be replaced, relocated or improved as a result of parcel reconfiguration (e.g., lot splits or recombination), the parcel owner(s) shall be responsible for all costs associated with the design and construction of the new, relocated or improved laterals including the costs of abandoning any existing lateral, if abandonment is required by city utility specifications.
  - (3) The responsibility of the parcel owner to pay such costs shall apply in any instance where (i) the affected parcel is charged or has previously paid an assessment, CIAC fee or any other utility fee or charge intended to fully fund the parcel's proportionate share of utility facilities required to serve the parcel, (ii) service laterals were installed based on then-current lot lines, and (iii) thereafter, development or redevelopment of the parcel requires additional laterals or the parcel is subdivided or combined with other parcels such that the existing laterals must be replaced, relocated or improved in order to provide utility service.
  - (4) No refund or credit for assessments, CIAC fees, or any other utility fee or charges previously paid on behalf of the affected parcel(s) shall be given by the city in the event development or redevelopment of the parcel(s) necessitates additional laterals or replacement, relocation or improvement of existing laterals is required for utility service as a result of parcel subdivision or combination, and the full balance of any

assessment then being collected in installments shall remain due and payable notwithstanding the installation of new, relocated or improved laterals at the owner's expense.

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 COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 17<sup>th</sup> DAY OF August, 2020.

  
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JOE COVIELLO, MAYOR

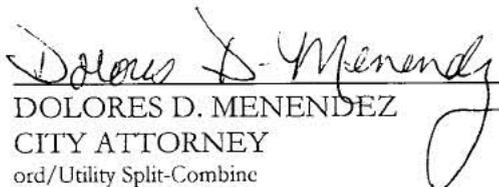
VOTE OF MAYOR AND COUNCILMEMBERS:

|           |            |          |            |
|-----------|------------|----------|------------|
| COVIELLO  | <u>aye</u> | NELSON   | <u>aye</u> |
| GUNTER    | <u>aye</u> | WELSH    | <u>aye</u> |
| CARIOSCIA | <u>aye</u> | WILLIAMS | <u>aye</u> |
| STOUT     | <u>aye</u> | COSDEN   | <u>aye</u> |

ATTESTED TO AND FILED IN MY OFFICE THIS 24<sup>th</sup> DAY OF August, 2020.

  
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KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

  
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DOLORES D. MENENDEZ  
CITY ATTORNEY  
ord/Utility Split-Combine