

OBJECTION TO THE APPLICATION OF ]  
SOUTHERN STATES UTILITIES, INC., TO ]  
AMEND ITS WATER CERTIFICATE NO. 306-W ]  
AND WASTEWATER CERTIFICATE NO. 255-S ]  
TO ADD TERRITORY IN LEE COUNTY. ]

960907-WS

ORIGINAL  
FILE COPY

Comes now the City of Cape Coral, Florida, in response to a Legal Notice given on August 9, 1996, objecting to an application submitted by Southern States Utilities, Inc. (hereinafter "applicant"), to the Public Service Commission, pursuant to Sec. 367.045 F.S., to amend its Water Certificate No. 306-W and Wastewater Certificate No. 255-S to add territory in Lee County Florida. Cape Coral objects to the application and requests a proceeding as follows:

Timeliness

1. This objection is timely filed within thirty days from the receipt of legal notice by the City of Cape Coral, as required by Sec. 367.045 F.S. and Rules of the Public Service Commission 25-30.031.

Standing and Objection Base with  
Respect to Home Rule Powers

ACK \_\_\_\_\_ 1. As a governmental authority, as defined by Sec. 367.021(7)  
AFA \_\_\_\_\_  
APP \_\_\_\_\_ F.S., and as a municipality with Home Rule Powers under Chapter  
CAF \_\_\_\_\_ 166, F.S. and Sec. 2(b), Art. VIII of the State of Florida  
CMU \_\_\_\_\_ Constitution, the City of Cape Coral has standing and is  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_ substantially affected by the consideration of an application for  
LEG \_\_\_\_\_ the expansion of a utility service into territory within its  
LIN \_\_\_\_\_ borders.  
OPC \_\_\_\_\_

REH \_\_\_\_\_  
SEC 1  
WAW Redeman  
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DOCUMENT NUMBER-DATE  
09533 SEP-98  
FPSC-RECORDS/REPORTING

Standing and Objection Bases with  
Respect to Comprehensive Plan

1. The City of Cape Coral has standing to object to the grant of the applicant's application as such a grant would violate its local comprehensive plan, developed pursuant to Sec. 163.3161-163.3211 F.S., including but not limited to the following bases:

a. The applicant has not complied with requirements under the Infrastructure Element of the City of Cape Coral Comprehensive Plan which require that the City of Cape Coral receive assurance of the applicant's ability to meet stated service standards and capacities. (see attached Exhibit A)

b. Pursuant to the Infrastructure Element of the City of Cape Coral Comprehensive Plan, Policy 1.1.1. (i) and (iv) the City has not been assured that the applicant's expansion will meet acceptable service standards in the areas of Sanitary Sewer and Potable Water Facilities. (see attached Exhibit A)

c. Pursuant to the Infrastructure Element of the City of Cape Coral's Comprehensive Plan, Policy 1.1.2., the City of Cape Coral has not been assured that the applicant's expansion will be compatible with adopted levels of service. (see attached Exhibit A)

d. Pursuant to the Infrastructure Element of the City of Cape Coral's Comprehensive Plan, Policy 1.1.3., the City of Cape Coral has not been assured that the applicant's expansion will be designed to meet or be expandable to meet buildout system requirements. (see attached Exhibit A)

e. Pursuant to the Infrastructure Element of the City of Cape Coral's Comprehensive Plan, Policy 1.2.1., grant of the applicant's application would not permit the City of Cape Coral City Council to

ensure that public facilities and improvements are provided at adopted levels of service concurrent with growth. (see attached Exhibit A)

f. Pursuant to the Infrastructure Element of the City of Cape Coral's Comprehensive Plan, Policy 1.3.4., grant of the applicant's application may be violative as Cape Coral has not coordinated with appropriate federal and state agencies to ensure that the issuance of a permit for replacement or expansion of an on-site wastewater service is conditioned upon compliance with current regulatory requirements and water quality standards. (see attached Exhibit A)

g. Pursuant to the Infrastructure Element of the City of Cape Coral's Comprehensive Plan, Policy 1.4.2., the City must make maximum use of existing utility treatment facilities prior to constructing additional facilities. (see attached Exhibit A)

h. The Conservation and Coastal Management Element of the City of Cape Coral's Comprehensive Plan, pursuant to Policy 1.1.1., provides that the City will maintain and/or improve the environmental quality of its estuarine waters. The City has not had an opportunity to examine the effects of the applicant's expansion on its estuarine water. (see attached Exhibit A)

Standing and Objection Bases with  
Respect to Code of Ordinances and  
Florida Laws.

1. The City of Cape Coral has standing to object to the grant of the applicant's application as such a grant would be violative of the City's Code of Ordinances and of the Laws of Florida, including but not limited to the following bases:

a. Grant of the applicant's application would be in violation of Chapter 71-585, Laws of Florida, which provides that the authority, procedures and powers to determine, fix and change rates to be charged and collected by a public utility for its water and sewer services within the municipal jurisdiction of City of Cape Coral, is vested in the City of Cape Coral, as such, the Public Service Commission has been divested of exclusive jurisdiction under Chapter 367, and the City of Cape Coral has the authority to regulate such utilities within its boundaries. (see attached Exhibit B)

b. Pursuant to Chapter 71-585, Laws of Florida and Sec. 180.14 F.S., which permits franchise fees (see attached exhibit C), the City of Cape Coral has passed ordinances under Article VI of the City Code, regulating franchise fees and rates of utilities, with which the applicant has failed to comply. (see attached Exhibit D)

c. Grant of the applicant's application would be in violation of City of Cape Coral Code of Ordinances Sec. 19-71, which requires each utility operating within the Municipal Boundaries of Cape Coral to obtain a franchise. (see attached exhibit D)

d. Grant of the applicant's application would be in violation of the City of Cape Coral Code of Ordinances, as the applicant has not complied with Sec. 19-72, outlining procedures utilities must follow in order to obtain a franchise. (see attached Exhibit D)

e. Pursuant to Cape Coral Code Sec. 19-82(6), the Cape Coral City Council has granted itself the power to prescribe all rules and regulations reasonably necessary and appropriate for the

administration and enforcement of Article VI. As such, the grant of the applicant's application, by the Public Service Commission, to extend service to within the boundaries of Cape Coral, before all local rules have been complied with, violates both the Cape Coral Code and the Laws of Florida. (see attached Exhibits B and D)

Standing and Objection; Application  
not in the Best Interest

1. Since the grant of the application would be violative of the City of Cape Coral's Comprehensive Plan, Code of Ordinances, and Laws of Florida, the application is not in the public interest, as required by Sec. 367.045(5)(a), as such, the City of Cape Coral has standing to object to said application, and the application should be denied.

Request for Relief and Proceeding

1. The City of Cape Coral requests a formal proceeding pursuant to Sec. 120.57(1) F.S., so that it may be heard in opposition to the application.

2. In the alternative, the City of Cape Coral requests an informal proceeding pursuant to Sec. 120.57(2) F.S., so that it may be heard in opposition to the application.

3. The City of Cape Coral requests denial of the applicant's application, as a grant of said application would be in noncompliance with the City's Comprehensive Plan, Code of Ordinances, and Laws of Florida.

4. In the alternative, the City of Cape Coral requests a postponement of any approval of the applicant's application until such time as the applicant has satisfactorily complied with

provisions of the City's Comprehensive Plan, Code of Ordinances, and Laws of Florida.

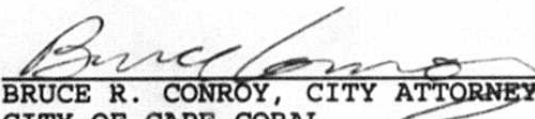
5. The City of Cape Coral requests a grant of all attorney's fees and costs associated with the bringing and maintaining of this objection, to be paid by the applicant.

Exhibits

- A. Comprehensive Plan Provisions
- B. Law 71-585
- C. Sec. 180.14 F.S.
- D. Cape Coral Code, Article VI.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and fifteen (15) copies of this Objection to the Application of Southern States Utilities, Inc. has been furnished by Overnight Mail to Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and a copy has been furnished by Overnight Mail to Southern States Utilities, Inc., attn: Brian P. Armstrong, General Counsel, 1000 Color Place, Apopka, Florida 32703, this 6th day of September, 1996.

  
BRUCE R. CONROY, CITY ATTORNEY  
CITY OF CAPE CORAL  
Post Office Box 150027  
Cape Coral, FL 33915-0027  
(941) 574-0408  
Florida Bar #368199

**INFRASTRUCTURE ELEMENT**  
**GOALS, OBJECTIVES, AND POLICIES**

**Goal 1**

Needed public facilities will be provided in a manner which promotes orderly, compact, and efficient urban growth.

**Objective 1.1**

The City will ensure that the public facilities needed through ~~1996~~ 2002 are in place in accordance with the Capital Improvements schedule, and ensure that when building permits are issued,

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adequate facility capacity is available, or will be available to serve the development.

**Policy 1.1.1**

The following levels of service are hereby adopted by the City as a means of determining the availability of facility capacity and the demand created by new development:

**Sanitary Sewer Facilities**

~~200~~ **300** gallons per day/dwelling unit for dwelling units located in the Urban Services Infill and Transition Areas that are serviced by the City's sanitary sewer utility.

Level of service standard equivalent to the Department of Environmental ~~Regulation~~ **Protection** requirements for package treatment plants located in Planned Unit Developments and Developments of Regional Impact within the Urban Services Reserve Area.

Level of service standard equivalent to the Department of Health and Rehabilitative Services requirements for septic systems in Planned Development Projects and Developments of Regional Impact within the Urban Services Reserve Area.

No level of service standard for individual private homes within the Urban Services Reserve Area.

**Solid Waste Facilities**      Average Solid Waste Generation Rate

Citywide      ~~4.58~~ **4.74** lbs per capita per day

**Drainage Facilities**      Design Storm (3 day duration,  
25 year return frequency)

Citywide

Based on SFWMD minimum drainage and retention/detention criteria

Sections 3.2.1.6 and 3.2.2.2.

See Appendices I and II.

**Potable Water Facilities**

~~200~~ **220** gallons per day/dwelling unit for ~~planned unit developments and developments of regional impact~~ **planned unit developments and developments of regional impact**

~~planned unit developments and developments of regional impact~~ **planned unit developments and developments of regional impact** ~~located in the Urban Services Reserve Area that are serviced by the City's water utility.~~



~~UTILITIES DEPARTMENT SHALL MAINTAIN ADEQUATE FACILITIES AND CAPACITY TO SERVE THE URBAN SERVICES INFILL AND TRANSITION AREAS (AS OUTLINED IN THE ADOPTED FUTURE LAND USE MAP AND AMENDED ANNUALLY VIA THE PLAN AMENDMENT PROCESS) AND TO THOSE AREAS WHERE THE CITY HAS A LEGAL COMMITMENT TO PROVIDE SERVICES AND FACILITIES. THE CITY HEREBY DESIGNATES, WHEN FEASIBLE, A DUAL WATER SYSTEM AS ITS PUBLIC WATER SUPPLY SYSTEM FOR THE EXTENSION OF PUBLIC WATER SERVICE TO THOSE PORTIONS OF THE URBAN SERVICES INFILL AND TRANSITION AREA PER THE FUTURE LAND USE MAP AS AMENDED IN 1995 NOT CURRENTLY SERVED BY BOTH PUBLIC WATER AND SEWER. CONSISTENT WITH THIS PLAN, BY THE END OF 1998, THE CITY WILL COMPLETE A CURRENT MASTER PLAN AND FEASIBILITY STUDIES NECESSARY TO PROVIDE PUBLIC WATER AND/OR SEWER SERVICE TO THESE AREAS BY THE YEAR 2000. IN ACCORDANCE WITH THIS, THE EXTENSION OF PUBLIC WATER OR SEWER SERVICE TO THESE AREAS WILL INCLUDE THE EXTENSION OF DUAL WATER SERVICE, USING NON-POTABLE SOURCES FOR IRRIGATION PURPOSES.~~

No level of service standard for private ~~individual~~ self serve wells within the Urban Services Reserve Area.

~~THE UTILITIES DEPARTMENT SHALL MAINTAIN ADEQUATE FACILITIES AND CAPACITY TO SERVE THE URBAN SERVICES INFILL AND TRANSITION AREAS (AS OUTLINED IN THE ADOPTED FUTURE LAND USE MAP AND AMENDED ANNUALLY VIA THE PLAN AMENDMENT PROCESS) AND TO THOSE AREAS WHERE THE CITY HAS A LEGAL COMMITMENT TO PROVIDE SERVICES AND FACILITIES. THE CITY HEREBY DESIGNATES, WHEN FEASIBLE, A DUAL WATER SYSTEM AS ITS PUBLIC WATER SUPPLY SYSTEM FOR THE EXTENSION OF PUBLIC WATER SERVICE TO THOSE PORTIONS OF THE URBAN SERVICES INFILL AND TRANSITION AREA PER THE FUTURE LAND USE MAP AS AMENDED IN 1995 NOT CURRENTLY SERVED BY BOTH PUBLIC WATER AND SEWER. CONSISTENT WITH THIS PLAN, BY THE END OF 1998, THE CITY WILL COMPLETE A CURRENT MASTER PLAN AND FEASIBILITY STUDIES NECESSARY TO PROVIDE PUBLIC WATER AND/OR SEWER SERVICE TO THESE AREAS BY THE YEAR 2000. IN ACCORDANCE WITH THIS, THE EXTENSION OF PUBLIC WATER OR SEWER SERVICE TO THESE AREAS WILL INCLUDE THE EXTENSION OF DUAL WATER SERVICE, USING NON-POTABLE SOURCES FOR IRRIGATION PURPOSES.~~

Policy 1.1.2

All improvements for replacement, expansion, or increase in capacity of facilities will be compatible with adopted levels of service.

Policy 1.1.3

All new facilities, as well as improvements to existing facilities will be designed to meet or be expandable to meet buildout system requirements.

Policy 1.1.4

The Utilities Department will ~~by the year 2000~~ maintain procedures to ~~ensure~~ assure adequate facility ~~and~~ capacity ~~in~~ as ~~indicated~~ indicated ~~on~~ Certificates of Occupancy are issued.

Policy 1.1.5

The Utilities Department will prepare annual summaries of capacity and demand information for each facility to coincide with the annual plan amendment procedure.

Policy 1.1.6

Provision by the City of centralized sanitary sewer and potable water service will be limited to the urban services infill and transition areas (as outlined in the adopted future land use map and amended annually via the plan amendment process) and to those areas where the City has a legal commitment to provide services and facilities. The City hereby designates, when feasible, a dual water system as its public water supply system for the extension of public water service to those portions of the Urban Services Infill and Transition Area per the future land use map as amended in 1995 not currently served by both public water and sewer. Consistent with this Plan, by the end of 1998, the City will complete a current master plan and feasibility studies necessary to provide public water and/or sewer service ~~to~~ to these areas ~~by the year 2000~~. In accordance with this, the extension of public water or sewer service to these areas will include the extension of dual water service, using non-potable sources for irrigation purposes.

**Objective 1.2**

The City will maintain a five year schedule of capital improvement needs for public facilities, to be updated annually to conform with the review process for the Capital Improvements Element of this plan.

**Policy 1.2.1**

Capital Improvements projects proposed for inclusion in the five year schedule of capital improvement needs will be evaluated by City Council or their designee. Council will, at least annually, update this schedule to ensure that public facilities and improvements are provided at adopted levels of service concurrent with growth.

**Objective 1.3**

The City will continue its cooperation with local and state agencies for the inspection of on-site wastewater treatment systems.

**Policy 1.3.1**

The Florida Department of Health and Rehabilitative Services, Lee County Public Health Department, North Environmental Health Unit will continue to be responsible for inspections of septic systems in Cape Coral.

**Policy 1.3.2**

The Department of Environmental ~~Regulation~~ Protection will continue to be responsible for monitoring of package treatment plants in Cape Coral.

**Policy 1.3.3**

Issuance of development permits will continue to be conditioned upon demonstration of compliance with all applicable federal, state, and local permit requirements for on-site wastewater treatment systems.

**Policy 1.3.4**

The City will coordinate with appropriate federal and state agencies to require that issuance of permits for replacement or expansion of on-site wastewater services is conditioned upon compliance with current regulatory requirements and water quality standards.

**Objective 1.4** The City will make maximum use of its existing treatment/processing facilities (in each respective service area) prior to constructing additional facilities, unless the continued operation of the facility poses a threat to the health, safety or welfare of the population.

**Policy 1.4.1**

Existing septic tanks and package treatment plants may remain in service until such time as centralized service is made available unless the continued operation of the facility poses a threat to public health, safety, or welfare.

Policy 1.4.2

The City shall make maximum use of existing utility treatment facilities (in each respective service area) prior to constructing additional facilities.

GOAL 2

The City of Cape Coral will provide sanitary sewer, drainage, and potable water facilities, and will coordinate with private and County sources for provision of solid waste facilities to meet the existing and projected needs identified in this plan.

Objective 2.1

Existing deficiencies will be corrected by undertaking the following projects:

a) Sanitary Sewer

XX

XX

Upgrade Master Lift Station 236(200).

b) Drainage

XX

XX

Implement Phase 2 of the CRA Stormwater Improvements.

Implement Santa Barbara Boulevard Stormwater Improvements.

XX

XX

XX

Policy 2.1.1

All projects will be undertaken in accordance with the schedule adopted as part of the Capital Improvements element.

Policy 2.1.2

Projects needed to correct existing deficiencies will be given priority in the formation and implementation of the Capital Improvements Plan.

Objective 2.2

Projected demands through the year ~~1994~~ 2002 will be met. ~~XX~~

XX

XX



Policy 2.2.3

Projects will be scheduled in such a way as to minimize disruption of services and duplication of labor and to maintain service levels for all facilities.

Policy 2.2.4

All required Federal, State, or County permits must be obtained before the City undertakes, or authorizes contractors to undertake, construction or operation of facilities.

Policy 2.2.5

All projects will be designed and constructed to meet or exceed the needs of projected population at up to and including buildout if appropriate.

Policy 2.2.6

The City will, by the end of 1998, provide a feasibility study for providing sanitary sewer service to all areas (within the current Urban Services Infill and Transition areas per the future land use map as amended in 1995) which receive potable water from the City.

Objective 2.3

The City will, by the end of 1998, provide a feasibility study for providing sanitary sewer service to all areas (within the current Urban Services Infill and Transition areas per the future land use map as amended in 1995) which receive potable water from the City.

For areas within the Transition Area not currently programmed to receive utilities, the City will extend services to areas consistent with sound planning principles.

Policy 2.3.1

The City will amend its future land use map at least annually via the plan amendment process to include in the Urban Services Transition Area those subdivided units, unplatted areas, and miscellaneous subdivisions which are 30 or more percent developed and which are contiguous to the existing Urban Services Transition Area.

Policy 2.3.

Provision of potable water and/or sanitary sewer facilities beyond the area ~~and~~ shown on the current five year capital improvements plan will be guided by the following methodology unless as otherwise formulated by a comprehensive utility master plan:

1. The subdivided unit to receive sewer or water must be in the Urban Services Infill or Transition area (as defined by the Future Land Use Map, or any amendments thereto.)
2. The subdivided unit to receive sewer or water must be contiguous to a subdivided unit currently receiving sewer or water.

Policy 2.3.3

The extension of water and sewer beyond the adopted Urban Services Infill and Transition Area may be, pending adequate facility capacity, undertaken through developer contributions, or through

special assessment districts, should that option become available to the City.

**Policy 2.3.4**

Potable water, secondary irrigation water, and sanitary sewer service will be extended concurrently to new service areas unless unusual conditions peculiar to a particular area warrant a deviation based on sound planning principals.

**CONSERVATION AND COASTAL MANAGEMENT**  
**GOALS, OBJECTIVES, POLICIES**

THE CITY OF CAPE CORAL WILL PRESERVE AND ENHANCE THE NATURAL AND HISTORIC RESOURCES OF CAPE CORAL AND ITS ADJACENT WATERS AND LANDS AND WILL PREVENT THE DEGRADATION OF ADJACENT WATER BODIES.

**GOAL 1. Protecting Environmental Resources.**

The natural and historic resources of Cape Coral will be preserved, protected, and enhanced. These resources will be managed to ensure the highest environmental quality possible. Development activities will be managed in accordance with this goal. The scientific and resource management activities outlined under this goal will be coordinated by the City's Environmental Resources Section.

**Objective 1.1: Estuarine Water Quality.** Cape Coral will maintain and/or improve the environmental quality of estuarine waters within its jurisdiction, and will prevent the degradation of adjacent water bodies.

**Policy 1.1.1:** The City will maintain and/or improve the environmental quality of its estuarine waters.

**Surface Water**

**Objective 1.5.** Between now and 2002, Cape Coral will maintain and/or improve the quality of all surface waters within its jurisdiction.

within the limitations of adjacent connected waters outside the City's jurisdiction.

Policy 2/11/1.5.1 The City will maintain and/or improve the environmental quality of Cape Coral's surface waters, littoral zone, nutrient input (terrestrial runoff, groundwater) aquatic plant management, and to protect the habitats of aquatic dependent species, within the limitations of adjacent connected waters outside the City's jurisdiction, by encouraging the use of Best Management Practices.

Policy 2-6.-1.5.4 The City will reduce the effects of septic tank seepage on surface water quality by extending central sewer service to all areas as rapidly as possible, in accordance with the conclusions of Ecological Assessment of Unit 89 (Cape Coral) Residential Waterway System (1989).

Policy 2/11/1.7.2 The City will maintain its current policy requiring mandatory connection to sewer and water service when such service is provided, thus reducing the number of septic tanks and wells in use.

Policy 1.7.3 The City will require the disconnection of private self-serve well water supply lines from domestic potable water systems and/or irrigation systems when City potable and/or irrigation water is connected.

**GOAL 5: Infrastructure.** Public facilities will be adequate and available to serve the residents and visitors to Cape Coral.

**Objective 5.1:** Establish/Maintain levels of service, service areas, and phasing of improvements for Cape Coral consistent with the other elements of this plan.

**Policy 5.1.2:** The levels of service, service areas, and phasing of improvements for sanitary sewage, solid waste, and surface water management, potable water, and natural groundwater aquifer recharge will be those contained within the Infrastructure Element of this plan.

If you wish to discuss this issue, please call me at extension 1587.

**LAWS OF FLORIDA      CHAPTER 71-585**

unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions. If any portion, section, word or term herein contained is held to be invalid or of no effect by a court of competent jurisdiction, the remainder of this Act shall remain in full force and effect and the rules of procedures of applicable State Law shall be applied and carried out to replace any portion held invalid.

**Section 4. Act Effective:** This Act shall take effect immediately upon its becoming a Law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1971.

**CHAPTER 71-585**

**House Bill No. 2425**

**AN ACT** relating to the City of Cape Coral, Lee County; divesting the Florida Public Service Commission of its exclusive jurisdiction under Chapter 367, Laws of Florida, 1968; providing for the authority, procedures and powers for the fixing and changing of rates to be charged and collected by a public utility under its jurisdiction of the Water and Sewer System Regulatory Law; providing for the vesting of said authority, procedures and powers for determining, fixing and changing of rates to be charged and collected by a public utility for its water and sewer services within the municipal jurisdiction of the City of Cape Coral, in and with the City of Cape Coral; providing an effective date.

**WHEREAS**, the provisions of Chapter 367, Laws of Florida, 1968, became effective upon the adoption by the board of county commissioners of Lee County of a resolution declaring such county is subject to the provisions of this law and the submission of such resolution to the Florida Public Service Commission; and

**WHEREAS**, it appears that at the time of the adoption and submission of said resolution, the City of Cape Coral was an



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unincorporated area and within the jurisdiction of the board of county commissioners of Lee County; and

**WHEREAS**, the City of Cape Coral is now an incorporated municipality and a lawful governmental agency under the definitions of Chapter 367, Laws of Florida, 1968, and for promoting its best interests, it is desirable that provision be made for the release of said exclusive jurisdiction of the Florida Public Service Commission to the said City of Cape Coral, **NOW, THEREFORE,**

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. That the authority, procedures and powers to determine, fix and change rates to be charged and collected by a public utility for its water and sewer services within the municipal jurisdiction of the City of Cape Coral, is hereby vested in and with the City of Cape Coral.

Section 2. This Act shall take effect October 15, 1971.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 30, 1971.

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**CHAPTER 71-586**

**House Bill No. 2119**

**AN ACT** relating to the City of Casselberry, Seminole County; amending subsection (j), section 8, article III, chapter 65-1351, Laws of Florida, by deleting the requirement of approval by a majority of the benefited property owners prior to imposition of special assessments; providing an effective date.

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. Subsection (j) of section 8, article III, chapter 65-1351, Laws of Florida, is amended to read:

**Article III Powers of the municipality.**

Section 8. Specific powers—The City of Casselberry hereby created, established and organized shall have the following specific powers and authority:

ing charge covering any reasonable expense for reconnecting such service after such delinquencies are paid, or any other lawful method of enforcement of the payment of such delinquencies.

History.—s. 7, ch. 17118, 1935; CGL 1936 Supp. 3100(12).

**180.135 Utility services; refusal or discontinuance of services for nonpayment of service charges by former occupant of rental unit prohibited; unpaid service charges of former occupant not to be basis for lien against rental property, exception.—**

(1)(a) Any other provision of law to the contrary notwithstanding, no municipality may refuse services or discontinue utility, water, or sewer services to the owner of any rental unit or to a tenant or prospective tenant of such rental unit for nonpayment of service charges incurred by a former occupant of the rental unit; any such unpaid service charges incurred by a former occupant will not be the basis for any lien against the rental property or legal action against the present tenant or owner to recover such charges except to the extent that the present tenant or owner has benefited directly from the service provided to the former occupant.

(b) This section applies only if the former occupant of the rental unit contracted for such services with the municipality or if the municipality provided services with knowledge of the former occupant's name and the period the occupant was provided the services.

(2) The provisions of this section may not be waived through any contractual arrangement between a municipality and a landlord whereby the landlord agrees to be responsible for a tenant's or future tenant's payment of service charges.

(3) Any other provision of law to the contrary notwithstanding, any municipality may adopt an ordinance authorizing the municipality to withdraw and expend any security deposit collected by the municipality from any occupant or tenant for the provision of utility, water, or sewer services for the nonpayment of service charges by the occupant or tenant.

(4) In any case where a tenant subject to part II of chapter 83 does not make payment for service charges to a municipality for the provision of utility, water, or sewer services, the landlord may thereupon commence eviction proceedings. Nothing in this section shall be construed to prohibit a municipality from discontinuing service to a tenant who is in arrears 30 days or more, or as required by bond covenant.

History.—s. 1, ch. 84-292; s. 1, ch. 89-332; s. 1, ch. 89-272.

**180.14 Franchise for private companies; rate fixing.—**A private company or corporation organized under the laws of the state for any of the purposes recited in this chapter, may construct, operate and maintain such works provided for in this chapter, within or without the corporate limits of any municipality, upon application by such company or corporation to the city council, or other legislative body of the municipality, by whatever name known, and the said municipality may grant to said private company or corporation the privilege or franchise of exercising its corporate powers for such terms of years and upon such conditions and limitations as may be deemed expedient and for the best

interest of said municipality for the accomplishment of the purposes set forth in this chapter; said franchise, however, to be for a period of not longer than 30 years; provided further, that the rates or charges to be made by the private company or corporation to the individual users of the utility constructed or operated under authority of this chapter shall be fixed by the city council, or other legislative body of the municipality, by whatever name known, upon proper hearing had for that purpose.

History.—s. 8, ch. 17118, 1935; CGL 1936 Supp. 3100(13).

**180.15 Liability of private companies.—**Any private company or corporation constructing or operating any of the works provided for in this chapter, within or without the corporate limits of any municipality, shall be liable for all damages occasioned by the acts, negligence or injury to the rights of other persons, firms or corporations in the same manner and with the same limitations as any other private corporation chartered under the laws of the state.

History.—s. 9, ch. 17118, 1935; CGL 1936 Supp. 3100(14).

**180.16 Acquisition by municipality of property of private company.—**When a municipality has granted to a private company or corporation a privilege or franchise, as set forth in s. 180.14, if at the expiration of the term of the privilege or franchise and after petition of the private company or corporation, the municipality fails or refuses to renew the privilege or franchise, then upon further petition of the private company or corporation, its property, consisting of all the works constructed and used in the operation and use of the utility, together with the appurtenances, materials, fixtures, machinery, and real estate appertaining thereto, which is on hand at the time of the expiration of said privilege or franchise, shall be purchased by the said municipality at a price to be mutually agreed upon; provided, however, if the price for same cannot be agreed upon, the price shall be determined by an arbitration board consisting of three persons, one of whom shall be selected by the city council or other legislative body, one shall be appointed by the private company or corporation, and the two persons so selected shall select a third member of said board; and provided further, that in the event said board cannot agree as to the price to be paid by the said municipality, then the municipality shall file appropriate condemnation proceedings under chapter 73, within 6 months after the date of filing the original petition.

History.—s. 10, ch. 17118, 1935; CGL 1936 Supp. 3100(15).

**180.17 Contracts with private companies.—**Any municipality may contract by and through its duly authorized officers with any private company or corporation which is organized for any purpose related to the provisions of this chapter, and may contract with said private company or corporation for the construction or use of such works authorized by this chapter.

History.—s. 11, ch. 17118, 1935; CGL 1936 Supp. 3100(16).

**180.18 Use by municipality of privately owned utility.—**Whenever a private company or corporation shall construct or operate any of the works authorized by this chapter, the municipality wherein the same shall be constructed or operated shall not use the said works in any

refund agreement shall provide for a plan of refund based upon the connection of other properties, to the extent of their hydraulic share, which properties will be served by the off-site facilities installed by the developer. Notwithstanding the provisions of this section the city may limit the life of such refund agreement to a term of not less than ten (10) years, after which time any portion of the refund not made to the developer by the terms and conditions of the refund agreement will have lapsed and thereafter, such refund agreement will be canceled. In no event shall the developer recover an amount greater than the difference between the capitalized cost of such off-site improvements and the developer's own hydraulic share of such improvements. The city shall not include any interest upon the refund of the developer's advance. (Ord. No. 24-75, § 13, 5-5-75)

**Sec. 19-67. Amendments; copies of extension policy available.**

(a) The city reserves the right to amend this extension policy, from time to time, as the needs of the city and the proper apparition of the utility systems may dictate. Holders of copies of this extension policy are on notice to request amendments hereto or determine the existence or nonexistence of such amendments before drawing conclusions with regard to the meaning and implication of the matters contained herein.

(b) The city shall maintain ample copies of this extension policy at the offices of the utility department, where the same shall be available to any interested party upon request. (Ord. No. 24-75, §§ 13, 14, 5-5-75)

**ARTICLE VI. UTILITY FRANCHISES**

**Sec. 19-68. Jurisdiction; intent.**

(a) This article shall be known as may be cited as the "City of Cape Coral Water and Sewer System Regulatory Ordinance."

(b) The city council of the City of Cape Coral shall have the exclusive jurisdiction over each water and sewer utility with respect to its authority, service availability, rates, connection charges, issue and sale of its securities and debt maturing more than twelve (12) months after date of issue.

(c) The regulation of water and sewer utilities is declared to be in the public interest, and this article is an exercise of the police power of the city for the protection of the public health, safety and welfare. The provisions of this article shall be liberally construed for the accomplishment of this purpose. (Ord. No. 24-75, § 1:01, 11-26-73)

**Sec. 19-69. Definitions.**

As used in this article, the following words or terms shall have the meanings indicated:

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- (b) File with the council, schedules showing all rates, classifications and charges for service and service availability of every kind furnished or proposed to be furnished by it and all rules, regulations and contracts relating thereto. (Ord. No. 24-73, § 3.03, 11-26-73)

Sec. 19-73. Existing systems.

Each utility providing service on the effective date of this article [Nov. 26, 1973] shall be entitled to receive a franchise, upon application made, pursuant to the provisions of Section 19-72, for the territory to which service is provided or has been made available on such date. (Ord. No. 24-73, § 3.04, 11-26-73)

Sec. 19-74. Issuance.

(a) The council shall, within sixty (60) days following the filing by the applicant of the information required in Section 19-72(a) and (b), hold a public hearing upon the application, at which time the applicant and the public shall be fully heard on the matter.

(b) The council may grant in whole or in part, or with modifications, in the public interest, or deny the application, provided that the council shall not grant a franchise for a proposed system, or for the extension of an existing system, which will be in competition with or duplication of any other system or portion of a system, unless it shall first determine that such other system or portion thereof is inadequate to meet the reasonable needs of the public or that the person operating the system is unable, refuses or neglects, after hearing upon reasonable notice, to provide reasonably adequate service. (Ord. No. 24-73, § 3.05, 11-26-73)

Sec. 19-75. Extensions.

(a) A utility may request permission to extend its service outside of territory described in its franchise. Applications for extension of territory shall be filed with the council in the same manner and containing the same information as required in Section 19-72(a).

(b) The council shall conduct a public hearing on the application in the manner as provided in Section 19-74(a). (Ord. No. 24-73, § 3.06, 11-26-73)

Sec. 19-76. Transfer.

(a) No utility shall sell, assign or transfer, all or any portion of its franchise or facilities, or majority organizational control thereof, without determination and approval of the council that the proposed sale, assignment or transfer is in the public interest.

(b) Application for proposed sale, assignment or transfer shall be made in the same manner and by furnishing the same information as required by Section 19-72(a); said information being filed by the proposed purchaser, assignee or transferee.

council in a determination of the pending matter. (Ord. No. 24-73, § 6.01, 11-26-73)

**Sec. 19-79. Same—New class of service.**

If any request for service of a utility shall be for a new class of service not provided for in the filings required by section 19-86(a), the utility may furnish the new class of service and fix and charge just, reasonable, nondiscriminatory and compensatory rates or charges therefor. A schedule of rates or charges so fixed shall be filed with the council within ten (10) days after the service is furnished. The council may approve such rates or charges as filed, or, after hearing, may approve such other rates or charges for the new class of service which it finds are just, reasonable, nondiscriminatory and compensatory. (Ord. No. 24-73, § 6.02, 11-26-73)

**Sec. 19-80. Charges and conditions for service availability.**

Charges and conditions made by a utility for service availability shall be just, reasonable and nondiscriminatory. The council shall, upon request, or upon its own motion, investigate agreements or proposals for charges and conditions made or proposed to be made by a utility to obtain the availability of its service. The council shall, after notice and hearing, set just, reasonable and nondiscriminatory charges to be charged by the utility and conditions under which service shall be made available. (Ord. No. 24-73, § 7.01, 11-26-73)

**Sec. 19-81. Standard of service.**

(a) Each utility shall provide service to the territory described in its franchise within a reasonable time after bona fide request for such service. If the council shall find, after notice and hearing, that the utility has failed to provide service to any person reasonably entitled thereto, the council may amend the franchise to delete the territory not served or not properly served by the utility.

(b) The utility shall provide to each person reasonably entitled thereto, such safe, efficient and sufficient service as is prescribed by Chapter 100-4 of the Florida Administrative Code for Water Systems, and Chapter 17-14 of the Florida Administrative Code for Sewer Systems, including amendments thereto, or other standards of serviced promulgated by the Legislature of the State of Florida and legally valid pronouncements of agencies of the State of Florida having regulatory jurisdiction thereof. (Ord. No. 24-73, § 8.01, 11-26-73)

**Sec. 19-82. Powers of the council.**

(a) In the exercise of its jurisdiction, the council shall have powers:

(1) To prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, and service rules and regulations to be observed by each utility;

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council, under oath of one of its officers, the total amount of the gross receipts derived by it in the immediately preceding period of January 1 to December 31, inclusive, from utility business done within the franchised territory. At the time of so reporting, every utility shall pay to the city, a gross receipts tax in the amount of one dollar and fifty cents (\$1.50) for each one hundred dollars (\$100.00) or fraction thereof of such gross receipts. If any utility fails to make such report and pay such tax, the council, after giving at least five (5) days' written notice to the utility, shall estimate the amount of such gross receipts from such information as it may be able to obtain from any source and shall add ten (10) per cent of the amount of such tax as a penalty and shall proceed to collect such tax and penalty, together with all costs of collection thereof, in the same manner as other delinquent taxes are collected; provided, however, that no penalty shall be added to the tax in the event a return is made and the amount of the tax is paid before the expiration of the time fixed in the notice given by the council. The council may audit such reports and, upon demand, every utility shall submit all of its records, papers, books and accounts to the council or its representatives for audit. (Ord. No. 24-73, § 11.01, 11-26-73)

**Sec. 19-85. Violations, penalties.**

If any utility, by any authorized officer, agent or employee, shall knowingly refuse to comply with or willfully violate any provision of this article or any lawful rate, charge, rule or regulation, order, direction, demand or requirement prescribed by the council, such utility shall incur a penalty for each such offense of not more than five hundred dollars (\$500.00), to be fixed, imposed and collected by the council. Penalties, pursuant to the provisions of this section, may be enforced by the council in any manner provided by law. (Ord. No. 24-73, § 12.01, 11-26-73)

**ARTICLE VII. WATER MANAGEMENT**

**Sec. 19-86. Applicability.**

This article shall apply to all water resources management activities within the corporate limits of Cape Coral. (Ord. No. 27-76, § 1, 4-19-76)

**Sec. 19-87. Intent and purpose.**

It is hereby declared as a matter of local legislative determination that the growth of population has given rise to public health and water conservation problems in Cape Coral, wastage of sources of water supply, degradation of water quality and quantity and it is the intent and purpose of this article to provide means to alleviate such condition in Cape Coral. (Ord. No. 27-76, § 2, 4-19-76)

**Sec. 19-88. Definitions.**

As used in this article, the following words and terms shall have the following meaning unless some other meaning is plainly intended:

- (a) Council means the city council of the City of Cape Coral, Lee County, Florida.
- (b) Board means the utility hearing board which shall consist of three (3) members, each a city councilman, and designated by the city council.
- (c) Franchise means written authority from the council to a water/sewer utility to provide service in a specific territory.
- (d) Utility means water/sewer utility and includes every person, firm, corporation, lessee, trustee or receiver owning, operating, managing or controlling a system or proposing construction of a system, who is providing or proposes to provide water or sewer service to the public for compensation.

Not subject to regulation by the council, as a utility, is the sale, distribution or furnishing of bottled water or the removal of waste matter from septic tanks located on private property.

- (e) System means property, plant and equipment used or useful in providing service to the public.
- (f) Territory means the geographical area described in a franchise, within which utility service is authorized. (Ord. No. 24-73, § 2.01, 11-26-73)

**Sec. 19-70. Legal name of utility.**

Within thirty (30) days after the adoption of this article, each utility shall register by filing with the council a written statement setting forth the full legal name of the utility and its mailing address. (Ord. No. 24-73, § 3.01, 11-26-73)

**Sec. 19-71. Franchise---required.**

Each utility shall obtain a franchise authorizing it to provide service within the municipal boundaries of the City of Cape Coral, Florida. (Ord. No. 24-73, § 3.02, 11-26-73)

**Sec. 19-72. Application.**

Each applicant for franchise shall:

- (a) Provide application required by the council, which may include a detailed inquiry into the ability of the applicant to provide service, the territory and facilities involved, the need for such service and the existence or non-existence of service from other sources within geographic proximity to the applied for territory.

- (b) File with the council, schedules showing all rates, classifications and charges for service and service availability of every kind furnished or proposed to be furnished by it and all rules, regulations and contracts relating thereto. (Ord. No. 24-73, § 3.03, 11-26-73)

**Sec. 19-73. Existing systems.**

Each utility providing service on the effective date of this article [Nov. 26, 1973] shall be entitled to receive a franchise, upon application made, pursuant to the provisions of Section 19-72, for the territory to which service is provided or has been made available on such date. (Ord. No. 24-73, § 3.04, 11-26-73)

**Sec. 19-74. Issuance.**

(a) The council shall, within sixty (60) days following the filing by the applicant of the information required in Section 19-72(a) and (b), hold a public hearing upon the application, at which time the applicant and the public shall be fully heard on the matter.

(b) The council may grant in whole or in part, or with modifications, in the public interest, or deny the application, provided that the council shall not grant a franchise for a proposed system, or for the extension of an existing system, which will be in competition with or duplication of any other system or portion of a system, unless it shall first determine that such other system or portion thereof is inadequate to meet the reasonable needs of the public or that the person operating the system is unable, refuses or neglects, after hearing upon reasonable notice, to provide reasonably adequate service. (Ord. No. 24-73, § 3.05, 11-26-73)

**Sec. 19-75. Extensions.**

(a) A utility may request permission to extend its service outside of territory described in its franchise. Applications for extension of territory shall be filed with the council in the same manner and containing the same information as required in Section 19-72(a).

(b) The council shall conduct a public hearing on the application in the manner as provided in Section 19-74(a). (Ord. No. 24-73, § 3.06, 11-26-73)

**Sec. 19-76. Transfer.**

(a) No utility shall sell, assign or transfer, all or any portion of its franchise or facilities, or majority organizational control thereof, without determination and approval of the council that the proposed sale, assignment or transfer is in the public interest.

(b) Application for proposed sale, assignment or transfer shall be made in the same manner and by furnishing the same information as required by Section 19-72(a); said information being filed by the proposed purchaser, assignee or transferee.



(c) Council shall conduct a public hearing on the application as provided in Section 19-74(a). (Ord. No. 24-73, § 4.01, 11-26-73)

**Sec. 19-77. Utility Hearing Board; creation of; duties and responsibilities**

(a) Within thirty (30) days following the effective date of this article [November 26, 1973], the council shall create the utility hearing board consisting of three (3) members of the city council. Each member of this board shall serve for a term of one (1) year, or until his successor is designated by the council.

The board is hereby empowered to sit as a hearing examiner in all proceedings affecting the utilities' rates, charges, services, or service availability, and, in each case to file with the council, its findings of fact, conclusions of law and recommended orders. The board shall have such powers as shall be reasonably necessary in the conduct of each hearing and proceeding brought before the board. Such powers to be specifically enumerated in rules and regulations governing procedures adopted by the council.

(c) Any finding of fact, conclusion of law or recommended order published by the board shall be subject to appeal to and review by the council.

(d) Each finding of fact, conclusion of law or recommended order as published by the board shall be forwarded to the council for final order or determination. (Ord. No. 24-73, § 5.01, 11-26-73)

**Sec. 19-78. Rates—procedure for fixing and changing.**

(a) All rates and charges being charged and collected by a utility on the date that regulator jurisdiction was conferred upon the City of Cape Coral shall be the lawful rates and charges and shall be changed only by prior approval of the council.

(b) The council shall, after notice and hearing, either upon request or upon its own motion, fix rates or charges which are just, reasonable, compensatory and not unjustly discriminatory. In all such proceedings, the council shall consider the value and quality of service and the cost of providing the service which shall include, but not be limited to, debt interest, depreciation, taxes, maintenance and operating expenses necessarily incurred in the operation of that property which is honestly and prudently used and useful in the public service, and a fair return on the value of the utility's investment, honestly and prudently made in property used and useful in the public service. The council shall also consider the utility's investment in treatment facilities required by duly authorized governmental authority to be constructed in the public interest within a reasonable time in the future, not to exceed twenty-four (24) months.

(c) Applications for rate or charge changes shall be accompanied by information, exhibits and schedules as shall be reasonably required by the

council in a determination of the pending matter. (Ord. No. 24-73, § 6.01, 11-26-73)

**Sec. 19-79. Same—New class of service.**

If any request for service of a utility shall be for a new class of service not provided for in the filings required by section 19-86(a), the utility may furnish the new class of service and fix and charge just, reasonable, nondiscriminatory and compensatory rates or charges therefor. A schedule of rates or charges so fixed shall be filed with the council within ten (10) days after the service is furnished. The council may approve such rates or charges as filed, or, after hearing, may approve such other rates or charges for the new class of service which it finds are just, reasonable, nondiscriminatory and compensatory. (Ord. No. 24-73, § 6.02, 11-26-73)

**Sec. 19-80. Charges and conditions for service availability.**

Charges and conditions made by a utility for service availability shall be just, reasonable and nondiscriminatory. The council shall, upon request, or upon its own motion, investigate agreements or proposals for charges and conditions made or proposed to be made by a utility to obtain the availability of its service. The council shall, after notice and hearing, set just, reasonable and nondiscriminatory charges to be charged by the utility and conditions under which service shall be made available. (Ord. No. 24-73, § 7.01, 11-26-73)

**Sec. 19-81. Standard of service.**

(a) Each utility shall provide service to the territory described in its franchise within a reasonable time after bona fide request for such service. If the council shall find, after notice and hearing, that the utility has failed to provide service to any person reasonably entitled thereto, the council may amend the franchise to delete the territory not served or not properly served by the utility.

(b) The utility shall provide to each person reasonably entitled thereto, such safe, efficient and sufficient service as is prescribed by Chapter 100-4 of the Florida Administrative Code for Water Systems, and Chapter 17-14 of the Florida Administrative Code for Sewer Systems, including amendments thereto, or other standards of serviced promulgated by the Legislature of the State of Florida and legally valid pronouncements of agencies of the State of Florida having regulatory jurisdiction thereof. (Ord. No. 24-73, § 8.01, 11-26-73)

**Sec. 19-82. Powers of the council.**

- (a) In the exercise of its jurisdiction, the council shall have powers:
- (1) To prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, and service rules and regulations to be observed by each utility;

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- (2) To prescribe uniform system and classification of accounts for all utilities, which among other things, shall establish adequate, fair and reasonable depreciation rates and charges;
- (3) To require the filing by each utility of periodic reports and all other reasonable necessary information;
- (4) To require repairs, improvements, additions and extensions to the plant and equipment of any utility reasonably necessary to promote the convenience and welfare of the public and secure sufficient service or facilities for those reasonably entitled thereto in the territory described in the franchise;
- (5) To employ and fix the compensation for such technical, legal and clerical employees as it deems necessary to carry out the provisions of this article;
- (6) To prescribe all rules and regulations reasonably necessary and appropriate for the administration and enforcement of this article; and
- (7) To exercise all judicial powers, issue all writs and do things necessary or convenient to the full and complete exercise of its jurisdiction and the enforcement of its orders and requirements.

(b) The council may provide for the examination and testing of all appliances used for measuring any product or service of a utility. Any customer or user may have any such appliance tested by the utility upon payment of the fee fixed by the council.

(c) The council, or its duly authorized representatives, may, during all reasonable hours, enter upon any premises occupied by any utility and may set up and use thereon, all necessary apparatus and appliances for the purpose of making investigations, inspections, examinations, and tests, and exercising any power conferred by this article. Such utility shall have the right to be notified of and be represented at the making of such investigations, inspections, examinations and test.

(d) The council shall not require a utility to provide service for resale, but any utility which provides service for resale shall provide such service upon terms and conditions established by the council and no utility shall discontinue such service without the approval of the council. (Ord. No. 24-73, § 9.01, 11-26-73)

**Sec. 19-83. Review of council's orders.**

Any utility or any person in interest dissatisfied with any order of the council may have it reviewed by a court of competent jurisdiction as may be provided by law. (Ord. No. 24-73, § 10.01, 11-26-73)

**Sec. 19-84. Gross receipts tax.**

Every utility shall, on or before March 15 in every year, report to the

council, under oath of one of its officers, the total amount of the gross receipts derived by it in the immediately preceding period of January 1 to December 31, inclusive, from utility business done within the franchised territory. At the time of so reporting, every utility shall pay to the city, a gross receipts tax in the amount of one dollar and fifty cents (\$1.50) for each one hundred dollars (\$100.00) or fraction thereof of such gross receipts. If any utility fails to make such report and pay such tax, the council, after giving at least five (5) days' written notice to the utility, shall estimate the amount of such gross receipts from such information as it may be able to obtain from any source and shall add ten (10) per cent of the amount of such tax as a penalty and shall proceed to collect such tax and penalty, together with all costs of collection thereof, in the same manner as other delinquent taxes are collected; provided, however, that no penalty shall be added to the tax in the event a return is made and the amount of the tax is paid before the expiration of the time fixed in the notice given by the council. The council may audit such reports and, upon demand, every utility shall submit all of its records, papers, books and accounts to the council or its representatives for audit. (Ord. No. 24-73, § 11.01, 11-26-73)

**Sec. 19-85. Violations, penalties.**

If any utility, by any authorized officer, agent or employee, shall knowingly refuse to comply with or willfully violate any provision of this article or any lawful rate, charge, rule or regulation, order, direction, demand or requirement prescribed by the council, such utility shall incur a penalty for each such offense of not more than five hundred dollars (\$500.00), to be fixed, imposed and collected by the council. Penalties, pursuant to the provisions of this section, may be enforced by the council in any manner provided by law. (Ord. No. 24-73, § 12.01, 11-26-73)

**ARTICLE VII. WATER MANAGEMENT**

**Sec. 19-86. Applicability.**

This article shall apply to all water resources management activities within the corporate limits of Cape Coral. (Ord. No. 27-76, § 1, 4-19-76)

**Sec. 19-87. Intent and purpose.**

It is hereby declared as a matter of local legislative determination that the growth of population has given rise to public health and water conservation problems in Cape Coral, wastage of sources of water supply, degradation of water quality and quantity and it is the intent and purpose of this article to provide means to alleviate such condition in Cape Coral. (Ord. No. 27-76, § 2, 4-19-76)

**Sec. 19-88. Definitions.**

As used in this article, the following words and terms shall have the following meaning unless some other meaning is plainly intended: