

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

**ORDINANCE 26-02**

14  
15  
16  
17  
18  
19  
20  
21  
22

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY OF MARCO ISLAND CODE OF ORDINANCES FOR THE PURPOSE OF UPGRADING THE MARCO ISLAND WASTEWATER TREATMENT PLANT TO ACHIEVE ADVANCED WASTEWATER TREATMENT (“AWT”) NUTRIENT STANDARDS TO MEET A TOTAL NITROGEN (“TN”) STANDARD EXPRESSED AS “N” OF NO MORE THAN 3 MG/L, AND A TOTAL PHOSPHORUS (“TP”) STANDARD EXPRESSED AS “P” OF NO MORE THAN 1 MG/L; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

23  
24  
25  
26  
27  
28

**WHEREAS**, to improve Marco Island water quality, the City of Marco Island, Florida (“City”), desires to make improvements to its wastewater treatment plant reclaimed water product to achieve Advanced Water Treatment (“AWT”) nutrient standards by reducing Total Nitrogen (“TN”) levels and Total Phosphorous (“TP”) levels in the reclaimed reuse water; and

29  
30  
31  
32  
33  
34  
35

**WHEREAS**, this Ordinance is in the best interest of the public health, safety, and welfare as determined by the City Council.

36  
37  
38  
39  
40  
41

**NOW, THEREFORE, BE IT DULY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA**, that:

**SECTION 1. Recitals.** Each and all the foregoing recitals be and the same are hereby incorporated into this Ordinance as if specifically set forth herein.

**SECTION 2.** The City of Marco Island Code of Ordinances shall be amended to include the following language:

Advanced Wastewater Treatment. The City wastewater treatment plant shall be upgraded to achieve Advanced Wastewater Treatment (“AWT”) nutrient standards that provide reclaimed water product that contains not more than, on an annual average basis: (a) Total Nitrogen (“TN”) expressed as “N” of no more than 3 mg/L; and (b) Total Phosphorus (“TP”) expressed as “P” of no more than 1 mg/L.

**SECTION 3. Severability/Interpretation.**

(a) If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or

42 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or  
43 section did not exist.

44  
45 (b) In interpreting this Ordinance, underlined words indicate additions to  
46 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (\*  
47 \* \* \*) indicate a deletion from the Ordinance of text, which continues to exist in the Code  
48 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the  
49 asterisks and not set forth in this Ordinance shall remain unchanged from the language  
50 existing prior to adoption of this Ordinance.

51  
52 **SECTION 4. Effective Date.** This Ordinance shall be effective immediately upon  
53 adoption by the City Council on second reading.

54  
55 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 4th  
56 day of May, 2026.

57  
58 **ATTEST:** **CITY OF MARCO ISLAND, FLORIDA**  
59  
60 \_\_\_\_\_  
61 Joan Taylor, City Clerk By: \_\_\_\_\_  
Darrin Palumbo, Chair

62  
63 Approved as to form and legal sufficiency:  
64  
65  
66 \_\_\_\_\_  
67 Alan L. Gabriel, City Attorney