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**ORDINANCE. 20-05**

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA AMENDING THE CITY OF MARCO ISLAND CODE OF ORDINANCES BY AMENDING CHAPTER 18, "ENVIRONMENT," ARTICLE IV, "NOISE CONTROL," TO PROVIDE FOR AMENDMENTS TO DEFINITIONS IN ORDER TO PROVIDE FOR ENFORCEMENT OF NOISE DISTURBANCES WHICH MEET OR EXCEED CERTAIN DECIBEL LIMITS; TO SPECIFY ACTIVITIES THAT ARE SPECIFICALLY PROHIBITED DUE TO CREATION OF LOUD DISTURBING NOISE; PROVIDING FOR EXEMPTIONS TO RESTRICTIONS CONTAINED IN THE NOISE ORDINANCE; PROVIDING FOR CERTAIN TEMPORARY EXEMPTIONS; PROVIDING FOR ENFORCEMENT THROUGH CIVIL CITATION OR NOTICE OF VIOLATION PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article II, Section 7, Florida Constitution, provides that adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise, and authorizes the adoption of local ordinances that are intended to protect its citizens from noise pollution; and

**WHEREAS**, pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, the City of Marco Island is authorized to protect the public health, safety and welfare of its residents and has the power, and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

**WHEREAS**, section 1.01 of the Marco Island Charter empowers the City to adopt, amend, or appeal ordinances, resolutions and codes as may be required for the benefit of the City; and

**WHEREAS**, the Marco Island City Council desires to amend its current noise regulations in order to prevent excessive noises, which degrade the quality of life, disturbs the public peace, and jeopardizes the health, safety, and welfare of the citizens of Marco Island; and

**WHEREAS**, the United States Supreme Court has held that the police power of a state extends beyond regulation of health, morals, and safety, and comprehends the duty, within constitutional limitations, to protect the well-being and tranquility of a community; and

**WHEREAS**, the City of Marco Island finds that it is appropriate to adopt such noise regulations to protect its citizens, while at the same time narrowly tailoring such regulations to order to not infringe upon its citizen's rights under the First Amendment to the United States' Constitution, by regulating the hours and location of the noise restriction, and proscribing specific levels of sound (in decibels) that are reasonably related to the noise problem sought to be regulated; and

1  
2       **WHEREAS**, the City of Marco Island City Council finds that this Ordinance serves a  
3 municipal and public purpose, and is in the best interest of the health, safety, and welfare of the  
4 citizens and residents of the City of Marco Island.

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6       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**  
7 **CITY OF MARCO ISLAND:**

8  
9       **Section 1. Recitals.**

10  
11       The foregoing “WHEREAS” clauses are true and correct and reflective of the legislative  
12 intent underlying this Ordinance and are hereby ratified and made a specific part of this  
13 Ordinance.

14  
15       **Section 2. Chapter 18, “Environment,” of the City Code of Ordinances is Amended.**

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17       That Chapter 18, “Environment,” Article IV, “Noise Control,” of the City of Marco  
18 Island Code of Ordinances be, and the same is hereby amended to read as follows:

19  
20       **ARTICLE IV. - NOISE CONTROL**

21       **Sec. 18-101. - Short title.**

22       This article shall be known and may be cited as the "City of Marco  
23 Island Noise Control Ordinance."

24       **Sec. 18-102. - Intent and purpose.**

25       (1) It is the public policy of the City that every person is entitled to  
26 ambient sound levels that are not detrimental to life, health, and  
27 enjoyment of his or her property.

28       (2) The Marco Island City Council finds that unreasonably excessive  
29 noise degrades the environment of the City to a degree that such  
30 noise:

- 31       a. Is harmful to the health, safety, and welfare of City residents  
32       and visitors; and  
33       b. Interferes with the comfortable enjoyment of life and property;  
34       and  
35       c. Interferes with the well-being, tranquility, and privacy of one's  
36       home; and  
37       d. Can cause and aggravate health problems.

38       (3) The effective control of unreasonably excessive noise is essential  
39 to the health, safety, and welfare of City residents and visitors, and  
40 fosters the comfortable enjoyment of life, including, but not  
41 limited to, recreation, work, communication, and rest.

- 42 (4) This section is enacted to protect, preserve, and promote the health,  
43 safety, welfare, peace, and quiet of residents and visitors of the  
44 City of Marco Island through the control, reduction, and  
45 prevention of unreasonably excessive noises that disturb, injure, or  
46 endanger the comfort, repose, health, peace, or safety of reasonable  
47 persons of ordinary sensitivities.
- 48 (5) Nothing contained in this section is intended to infringe upon the  
49 constitutionally protected rights guaranteed by the Florida  
50 Constitution and the First Amendment of the United States  
51 Constitution. This section enacts narrowly drawn; content-neutral  
52 regulations that are to be interpreted to not unduly restrict  
53 constitutionally protected rights.

54 **Sec. 18-103. - Definitions.**

55 [The following words, terms, and phrases, when used in this article,  
56 shall have the meanings ascribed to them in this section, except where the  
57 context clearly indicates a different meaning:]

58 *A-Weighted Sound Level* means the sound pressure level in decibels  
59 as measured with a sound level meter using the A-weighting network as  
60 described in ANSI S1.4-1983 issued by the American National Standards  
61 Institute. The unit of measurement is the dBA.

62 *Ambient noise* means the surrounding or steady background noise, as  
63 distinguished from the specific noise which is the subject of the attempted  
64 measurement.

65 *C-Weighted Sound Level* means the sound pressure level in decibels  
66 as measured with a sound level meter using the C-weighting network as  
67 described in ANSI S1.4-1983 issued by the American National Standards  
68 Institute. The unit of measurement is the dBC.

69 *Construction* means any site preparation, assembly; erection,  
70 substantial repair, alteration (or similar action) of structures, utilities,  
71 public or private right-of-way or similar things. Construction does not  
72 include demolition.

73 *Completely enclosed building* means a building separated on all sides  
74 from adjacent open space or from other buildings by permanent roof and  
75 by exterior walls or party walls, pierced only by closed windows and  
76 normal entrance or exit doors. Such doors shall not be kept open except  
77 for normal ingress and egress.

78 *Commercial Zone* means uses and activities on lands primarily  
79 intended for business or commercial use.

80 *Decibel (dB)* means a unit for measuring the amplitude of sound,  
81 equal to 20 times the logarithm to the base 10 of the ratio of the pressure  
82 of the sound measured to the reference pressure, which is 20 micropascals  
83 (20 micronewtons per square meter).

84           *Demolition* means any dismantling, intentional destruction or removal  
85 of structures, utilities, public or private right-of-way surfaces, or similar  
86 property.

87           *Device* means a mechanism which is intended to produce, or which  
88 actually produces noise when operated or handled.

89           *Duplex* means a structure containing two dwelling units.

90           *Enforcement Official* means any Florida certified law enforcement  
91 officer, or community service officer/deputy, or code enforcement officer.

92           *Emergency* means any occurrence or set circumstances involving  
93 actual or imminent physical injury to persons or property which demands  
94 immediate action. It shall be the burden of the alleged violator to prove the  
95 "emergency".

96           *Emergency vehicle* means a motor vehicle or vessel used by Fire-  
97 Rescue/Emergency Medical personnel, law enforcement, community  
98 service officers, or code enforcement officers, or a motor vehicle or vessel  
99 used in response to a public calamity or to protect persons or property  
100 from imminent danger.

101           *Emergency work* means work made necessary to restore property to a  
102 safe condition following a public calamity, work to restore public utilities,  
103 or work required to protect persons or property from an imminent  
104 exposure to danger.

105           *Equivalent Sound Pressure Level* means the constant sound level that,  
106 in a given situation and time period, conveys the same sound energy as the  
107 actual time-varying sound.

108           *Frequency* means the number of complete fluctuations per second of  
109 the sound wave,

110           *Intensity* (or loudness) means the magnitude of the fluctuation  
111 measured in atmospheric pressure units or microbars.

112           *Governmental entity* means any federal, state, county, municipal,  
113 district, board or separate unit of government created or established by  
114 law.

115           *Holiday* means those days designated as legal holidays by the City of  
116 Marco Island and federal government.

117           *Institutional Zone* means uses and activities on lands primarily  
118 intended for non-residential or commercial activity such as public lands,  
119 schools, churches, or conservation areas.

120           *Motor vehicle* means any self-propelled vehicle, such as, but not  
121 limited to, passenger cars, trucks, truck trailers, semitrailers, campers,  
122 motorcycles, minibikes, go-carts, amphibious craft on land, and dune  
123 buggies or racing vehicles which are propelled by mechanical power.

124 *Motorboat* means any vehicle which is primarily operated on water or  
125 which does operate on water, such as boats, barges, amphibious craft, or  
126 hover craft, and which is propelled by mechanical power.

127 *Muffler* means any apparatus consisting of baffles, chambers, or  
128 acoustical absorbing material whose primary purpose is to transmit liquids  
129 or gases while causing a reduction in sound emission at one end.

130 *Multifamily dwelling* means a structure containing more than two  
131 dwelling units.

132 *Noise* means any sound, which because of its volume level, duration,  
133 and character, disturbs, injures, endangers the comfort, health, peace, or  
134 safety, or is a nuisance to reasonable persons of ordinary sensibilities.

135 *Noise disturbance* means any sound which endangers or injures the  
136 health of humans or disturbs a reasonable person of ordinary sensitivities.

137 *Period of observation* means the time interval during which noise and  
138 facts are obtained by Enforcement Officials.

139 *Person* means any natural person, individual, association, partnership,  
140 corporation, municipality, governmental agency, business trust, estate,  
141 trust, two or more persons having a joint or common interest or any other  
142 legal entity and includes any officer, employee, department, agency or  
143 instrumentality of the United States, a state or any political subdivision of  
144 a state or any other entity whatsoever or any combination of such, jointly  
145 or severally.

146 *Person(s) Responsible* means, but is not limited to, any person who  
147 has any manner of control over a property, premises, dwelling, structure,  
148 location, business, vehicle, device, stereo, or source of sound and may  
149 include, but is not limited to, any property owner, tenant, subtenant,  
150 business owner, resident, operator or person having operational control,  
151 person(s) creating or controlling the volume of sound, property manager,  
152 or person(s) in charge or otherwise authorized to make decisions regarding  
153 the use of sound equipment, or any combination of such, jointly and  
154 severally.

155 *Plainly Audible* means any sound that can be clearly heard and  
156 understood by a reasonable person using such person's ordinary auditory  
157 senses, so long as the person's hearing is not enhanced by any device, such  
158 as a hearing aid.

159 *Powered model vehicles* means any powered vehicles, either airborne,  
160 waterborne or landborne, which are designed not to carry persons or  
161 property, such as, but not limited to, model airplanes, boats, cars, rockets,  
162 and which are being propelled by mechanical means.

163 *Private right-of-way* means any street, avenue, boulevard, highway,  
164 sidewalk, bike path, or alley, or similar place, which is not owned or  
165 controlled by a governmental entity.

166            *Property boundary* means an imaginary line exterior to any enclosed  
167 structure, at the ground surface, which separates the real property owned  
168 by one person from that owned by another person, and its vertical  
169 extension.

170            *Public right-of-way* means any street, avenue, boulevard, highway,  
171 alley, or public space, which is dedicated to, owned, or controlled by a  
172 public governmental entity.

173            *Public space* means any property or structures thereon normally  
174 accessible to the public.

175            *Receiving Property* means at or within the property line, which is  
176 receiving sound from another property, but does not include public rights-  
177 of-way.

178            *Residential Zone* means uses and activities on lands primarily  
179 intended residential use.

180            *Sound* means an oscillation in pressure, particle displacement, particle  
181 velocity or other physical parameter, in a medium with internal forces that  
182 causes compression and rarefaction of that medium. The description of  
183 sound may include any characteristic of such sound, including duration,  
184 intensity, and frequency.

185            *Sound source* means any person, animal, device, operation, process,  
186 activity, or phenomenon that emits or causes sound.

187            *Unreasonably Excessive Noise From a Property* means sound from  
188 any property, which is unreasonably loud and raucous meaning any sound  
189 that, because of its volume level or duration, jars, injures, or endangers the  
190 health, safety, welfare, or wellbeing of a reasonable individual of ordinary  
191 sensibilities. Unreasonably Excessive Noise violations are considered  
192 irreversible or irreparable.

193            *Volume* means the degree of intensity, audibility, quality, strength, or  
194 loudness of sound.

195            *Weekday* means any day, Monday through Friday, which is not a  
196 holiday.

197            **Sec. 18-104. - General noise prohibitions.**

198            (1)    *Prohibition of unreasonably excessive noise from a property* - It  
199 shall be unlawful for any person(s), including the property  
200 owner(s), to permit, cause, allow, create, emit, or sustain  
201 unreasonably excessive noise from a property, including air space  
202 thereof, located in the City of Marco Island. Noise violations are  
203 considered irreversible and irreparable.

204            (2)    *Prima facie evidence.* For the purposes of this Subsection, the  
205 following shall constitute prima facie evidence that a sound

(whether recurrent, intermittent, or continuous) is unreasonably excessive and raucous if:

a. Between the hours of 8:00 p.m. and 7:00 a.m., the sound is plainly audible a minimum of Fifty (50) feet from the property line of the source of the sound or within a fully enclosed structure or residence on any receiving property; or

b. Sound Pressure Levels by Receiving Land Use

Receiving Land Use Category	Time	Sound Pressure Level Limit (dBA)
Residential zone, public space, or institutional zone	7:00 a.m.- 8:00 p.m.	66
	8:00 p.m.- 7:00 a.m.	60
Commercial zone	7:00 a.m.- 9:00 p.m.	72
	9:00 p.m.- 7:00 a.m.	65

c. Multifamily dwellings and duplexes. In the case of multifamily dwellings and duplex dwelling units, it shall be unlawful to create or permit to be created any sound that exceeds a sound pressure level of 50 dBA, during the hours between 7:00 a.m. to 9:00 p.m., or 45 dBA during the hours between 9:00 p.m. and 7:00 a.m., daily, measured from a neighbor's dwelling unit within such multifamily or duplex structure. The plainly audible standard does not apply in multifamily dwellings and duplexes.

(3) It shall be unlawful for any person owning or in possession of any building or premises to use or rent the same for any business or residential use, or for any purpose of pleasure or recreation if such use makes, continues, or causes to be made or continued, any noise disturbance, as defined in this article within the limits of the city.

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**Sec. 18-105. - Specific noise prohibitions.**

The following specific standards and restrictions shall apply to specific uses and/or activities in the city except for such exemptions as are enumerated herein. The following acts are declared to be loud, disturbing, excessive noise and/or *unreasonably excessive noise from a property*, in violation of this article but said acts shall not be deemed to be exclusive. Unless otherwise specified herein, all other unlawful noise-generating activities are prohibited. Noise violations are considered irreversible and irreparable.

- (1) *Construction equipment and activity.* Operating or causing to be operated any equipment or performing any activity in furtherance of construction, repair, alteration or demolition work on buildings, structures, roads, or projects within the city:
  - (a). Between the hours of 7:00 p.m. and 7:00 a.m.
  - (b). For pile driving activities, between the hours of 7:00 p.m. and 8:00 a.m.
  - (c.) On Sundays, or any holidays declared by the City of Marco Island or the government of the United States.
- (2) *Activities in the vicinity of schools, churches, and health care facilities.* Creating any excessive noise on any street adjacent to any school, church, or health care facility, which unreasonably interferes with the workings of such institution, or which disturbs patients in a health care facility.
- (3) *Landscape maintenance.* Undertaking landscape maintenance activities, including the use of air-blowing or vacuum equipment, in such a manner as to create noise across a real property boundary between the hours of 9:00 p.m. and 7:00 a.m. Golf courses engaged in the regular maintenance of greens, fairways, practice areas, etc., are exempt from this provision.
- (4) *Fireworks.* The use of fireworks is prohibited at any time without a permit within the incorporated limits of the City of Marco Island pursuant to F.S. §§ 791.014(4)(a) and (b).
- (5) It shall be unlawful for any person owning or in possession of any building or premises to use or rent the same for any business or residential use, or for any purpose of pleasure or recreation if such use makes, continues, or causes to be made or continued, any noise disturbance, as defined in this article within the limits of the city.

**Sec. 18-106. - Exemptions.**

The following noises shall be exempt from the restrictions set forth in the other sections of this article:



- 268 (1) Sound made by a horn or other warning device required or  
269 permitted by F.S. § 316.271 or F.S. § 327.65 shall be regulated in  
270 accordance with state law.
- 271 (2) Noises resulting from any authorized emergency vehicle, when  
272 responding to an emergency call or acting in time of emergency or  
273 any other public safety operation.
- 274 (3) Noises resulting from emergency work, which is to be construed as  
275 work made necessary to restore property to a safe condition  
276 following a public calamity, or work required to protect persons or  
277 property from any imminent exposure to danger.
- 278 (4) Noises incidental to city approved refuse collection.
- 279 (5) Community events such as parades, festivals, sporting events, or  
280 fairs being conducted in accordance with the conditions contained  
281 in a special event permit granted by the city manager or designee.
- 282 (6) Noises associated with city operations, construction, or  
283 maintenance.
- 284 (7) Noises associated with police or fire training.
- 285 (8) Community and organized sporting events and school activities.
- 286 (9) Noise associated with lightning warning systems.
- 287 (10) Non-amplified crowd sounds resulting from otherwise lawful  
288 public gatherings.
- 289 (11) Any aircraft operating in conformity with, or pursuant to, federal  
290 law, federal air regulations, and air traffic control instructions used  
291 pursuant to and within the duly adopted federal air regulations.
- 292 (12) Amplified sound on property controlled by a governmental agency  
293 during governmental sponsored activities.
- 294 (13) Sound produced by activities in the fields, grounds, or facilities of  
295 any sporting venue to which the public or community has access.
- 296 (14) Houses of Worship (Excluding between 7:00p.m. and 7:00a.m.)

297 **Sec. 18-107. – Temporary Exemption.**

- 298 (1) A person may seek a temporary exemption from the provisions of  
299 this section by seeking an exemption from the City Manager. A  
300 completed exemption application must be submitted, on a form  
301 provided by the City. An exemption may only be issued for a  
302 specified limited period of time and shall set forth such conditions  
303 or requirements as shall be deemed necessary to mitigate potential  
304 adverse effects upon neighboring properties and to otherwise  
305 ensure that the public health, safety, and general welfare is  
306 protected. The City Manager may adopt administrative rules, as he

307 or she deems necessary, to implement the provisions of this  
308 section.

309 (2) In determining whether an exemption shall be issued, the City  
310 Manager shall consider the following criteria:

311 (a) The granting of the exemption will not establish a precedent  
312 of or encourage more incompatible uses in the surrounding  
313 area; and

314 (b) The applicant has demonstrated that enforcement of the  
315 provisions of this chapter would create an undue hardship on  
316 the applicant because of unique circumstances peculiar to the  
317 applicant; and

318 (3) The City Manager shall grant or deny an application for an  
319 exemption within fifteen (15) days from the date of the filing of a  
320 complete application. An application may be denied if it is  
321 determined to be incomplete. If no ruling has been made, upon the  
322 expiration of the 15<sup>th</sup> day, or if the 15<sup>th</sup> day is a Saturday, Sunday,  
323 or holiday, upon the following working day, the application shall  
324 be deemed to be granted.

325 (4) Any violation of any conditions imposed upon the granting of the  
326 exemption shall be deemed a violation of this section.

327 **Sec. 18-108. – Enforcement and Penalties.**

328 The authority to enforce the provisions of the City of Marco Island Noise  
329 Control Ordinance shall be vested in Enforcement Officials. Nothing in  
330 this section shall prohibit the sworn law enforcement officers identified as  
331 Enforcement Officials from charging persons responsible for acts, which  
332 affect the peace and quiet of other persons, for breach of the peace or  
333 disorderly conduct under F.S. § 877.03, as may be amended from time to  
334 time. This section shall be enforced by an Enforcement Official as  
335 follows:

336 (1) Any person(s) responsible for a violation of the City of Marco  
337 Island Noise Control Ordinance shall be given a warning that a  
338 notice of violation will be issued if the person(s) responsible fails  
339 to bring the sound level into compliance within five (5) minutes for  
340 the next forty-eight (48) hours.. The notice and warning may be  
341 given in writing or verbally and inform the person(s) responsible  
342 for a purported excessive noise violation that there is a violation of  
343 the City of Marco Island’s Noise Control Ordinance. No warnings  
344 will be issued after 11:00 p.m. The notice shall include, at a  
345 minimum, the following:

346 You are being notified that you are in violation of  
347 the City of Marco Island’s Noise Control  
348 Ordinance. You are being given a five (5) minute

349 warning to bring the sound level into compliance  
350 with the City of Marco Island's Noise Control for  
351 the next forty-eight (48) hours. The failure to  
352 timely bring the sound level into compliance is a  
353 violation of the City of Marco Island's Noise  
354 Ordinance.

- 355 (2) The Enforcement Official may issue a notice of violation or  
356 citation to any person(s) responsible who does not timely bring the  
357 sound level into compliance.
- 358 (3) Any person(s) responsible for a violation of the City of Marco  
359 Island Noise Control Ordinance, which violations are considered  
360 irreparable and irreversible in nature, may without warning, be  
361 immediately issued a, or notice of violation by an officer.
- 362 (4) If the person(s) responsible for a violation of the City of Marco  
363 Island Noise Control Ordinance is not the property owner, the  
364 property owner will be issued a notice of violation for each  
365 individual violation of the City of Marco Island Noise Control  
366 Ordinance. The first violation of the City of Marco Island Noise  
367 Control Ordinance by a property owner, in a rolling twelve-month  
368 period, will result in the issuance of a notice of violation which  
369 shall constitute an official warning. All subsequent notices of  
370 violations issued to the property owner, in a rolling twelve-month  
371 period, shall require a hearing before the City of Marco Island  
372 Code Enforcement Special Magistrate, and the potential imposition  
373 of a fine for the violation(s).
- 374 (5) Any person(s), including the property owner(s), who violates any  
375 of the provisions of this section shall be subject to a civil penalty  
376 not to exceed \$250.00 for a first violation (excludes the violation  
377 which resulted in the property owner's first warning), \$500.00 for  
378 the second violation, and \$1,000 for the third violation, \$2,000 for  
379 the fourth violation, \$4,000 for the fifth violation, and \$5,000 for  
380 the sixth and subsequent violations occurring within one (1) year  
381 after a finding of violation of the previous offense or the payment  
382 of a citation for a violation of this ordinance. Each violation of this  
383 section shall constitute a separate and distinct offense for which a  
384 civil citation or notice of violation may be issued.
- 385 (5) Joint and several responsibility. Any person(s) responsible for  
386 unreasonably excessive noise from a property or from a vehicle, as  
387 defined herein, may be liable for the violation under this section.  
388 More than one person may be found to be responsible for the  
389 violation.

392                   **Sec. 18-109. - Civil remedies.**

393                   In addition to the penalties provided in section 18-108, the city manager is  
394                   hereby authorized to institute any appropriate action or proceeding  
395                   including suit for injunctive relief in order to prevent or abate violations of  
396                   this article.

397                   **Sec. 18-110. - Jurisdiction and enforcement.**

- 398                   (a)    This article is enforceable by Enforcement Officials.
- 399                   (b)    Such officers and officials shall have the power and duty to issue  
400                   such orders and to make such investigations and reports in  
401                   connection with the provisions of this article, or cause any  
402                   inspections to be made for noise violations in accordance with this  
403                   article and the Florida Statutes.

404                   **Sec. 18-111. - Public nuisance.**

405                   Unreasonably Excessive Noise is declared a public nuisance as  
406                   defined and discussed under Chapter 18 Environment / Article II  
407                   Nuisance, Litter, Weed, Plant and Right-Of-Way Control. The  
408                   prosecution of an offense under this section does not limit the  
409                   City's right to abate the public nuisance, or from seeking injunctive  
410                   relief, by any means provided by law. The City Attorney or  
411                   designee(s) may bring suit on behalf of the City against the  
412                   person(s) responsible for causing, maintaining, permitting, or  
413                   allowing a public nuisance under this section. This section shall  
414                   not prohibit or otherwise restrict any person(s) from bringing suit  
415                   against a public nuisance for unreasonably excessive noise. Relief  
416                   may be granted according to the terms and conditions of F.S. §  
417                   60.05, or any other means provided by law.

418  
419                   **Section 3. Codification.**

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421                   It is the intention of the City Council, and it is hereby ordained, that the amendments to  
422                   the City of Marco Island Code of Ordinances made by this Ordinance shall constitute  
423                   new provisions within the Code of Ordinances, and that the sections of this Ordinance  
424                   may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be  
425                   changed to "Section", "Article" or other appropriate word.

426  
427                   **Section 4. Conflicts.**

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429                   All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict  
430                   with the provisions of this Ordinance are hereby superseded and resolved to the extent of  
431                   any conflict in favor of the provisions of this Ordinance.

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**Section 5. Severability.**

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

**Section 6. Effective Date.**

This Ordinance shall become effective upon its adoption.

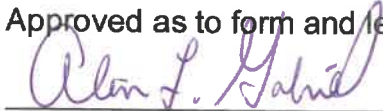
ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND on this 5<sup>th</sup> day of October 2020.

**ATTEST:**

  
\_\_\_\_\_  
Laura M. Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**  
By:   
\_\_\_\_\_  
Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Alan L. Gabriel, City Attorney

