

ORDINANCE 24-15

This document was created in 2024 after a full revision of the entire code of ordinances. That complete document is 223 pages long. Attached is the amended Article IV, Noise Control that appears to be the actual governing document. It should be noted that on 4/2/26 this section of code was posted on the city website as our current noise ordinance.

ORDINANCE 24-15

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA; AMENDING CITY OF MARCO ISLAND CODE OF ORDINANCES CHAPTER 1 - GENERAL PROVISIONS, CHAPTER 2 - ADMINISTRATION, CHAPTER 4 - ALCOHOLIC BEVERAGES, CHAPTER 6 - BUILDINGS AND BUILDING REGULATIONS, CHAPTER 8 - BUSINESSES, CHAPTER 10 - CIVIL EMERGENCIES, CHAPTER 14 - CODE COMPLIANCE ORDINANCE, CHAPTER 18 - ENVIRONMENT, CHAPTER 22 - FIRE PREVENTION AND PROTECTION, CHAPTER 26 - FLOODS, CHAPTER 32 - LAW ENFORCEMENT, CHAPTER 34 - PARKS AND RECREATION, CHAPTER 38 - PLANNING, CHAPTER 40 - SPECIAL DISTRICTS, CHAPTER 42 - STREETS, SIDEWALKS AND OTHER PLACES, CHAPTER 46 - TELECOMMUNICATIONS, CHAPTER 50 - TRAFFIC AND VEHICLES, CHAPTER 52 - UTILITIES, AND CHAPTER 54 - WATERWAYS AND BEACHES, BY MAKING REVISIONS OF A HOUSEKEEPING, STREAMLINING AND ORGANIZATIONAL NATURE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY/INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intent City Council of the City of Marco Island ("City Council") to make the City of Marco Island Code of Ordinances ("Code") a more streamlined and efficient document; and

WHEREAS, the City Council directed revisions to the Code, effectuated by this Ordinance, that include reducing duplication of state statutory provisions, replacing fee schedules by Resolution, and centralizing and standardizing: appeal procedures; penalties for violations of Code provisions; nuisance abatement procedures; and, definitions used throughout the Code; and

WHEREAS, the City Council directed revisions to the Code, effectuated by this Ordinance, that include minor reorganization, eliminating outdated provisions, correcting errors and conflicts, clarifying ambiguous provisions, and simplifying language when possible; and

WHEREAS, the City Council finds that the above-captioned changes achieve its intent to streamline the Code and make it more efficient, effective and user-friendly.

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

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. Amendment and adoption. That the Code be, and the same is hereby amended pursuant to Exhibit "A," which is attached hereto and made a part hereof.

SECTION 3. Conflict. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

SECTION 4. 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 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * *) indicate that existing text is excluded from this Ordinance because it is not being amended by this Ordinance. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be effective immediately upon adoption by the City Council on second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 9th day of September 2024.

ATTEST:



Joan Taylor, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Griffoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

29

ARTICLE IV. NOISE CONTROL

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

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

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

33 (a) It is the public policy of the city that every person is entitled to ambient sound levels that are not detrimental
34 to life, health, and enjoyment of his or her property.

35 (b) ~~The Marco Island City Council finds that unreasonably excessive noise degrades the environment of the~~
36 ~~city to a degree that such noise:~~

- 1 (1) Is harmful to the health, safety, and welfare of city residents and visitors; and
- 2 (2) Interferes with the comfortable enjoyment of life and property; and
- 3 (3) Interferes with the well-being, tranquility, and privacy of one's home; and
- 4 (4) Can cause and aggravate health problems.

- 5 (c) The effective control of ~~unreasonably~~ excessive noise is essential to the health, safety, and welfare of city
6 residents and visitors, and fosters the comfortable enjoyment of life, including, but not limited to, recreation,
7 work, communication, and rest.
- 8 (d) This section is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of
9 residents and visitors of the ~~City of Marco Island~~ through the control, reduction, and prevention of
10 ~~unreasonably excessive~~ noises that disturb, injure, or endanger the comfort, repose, health, peace, or safety
11 of reasonable persons of ordinary sensitivities.
- 12 (e) Nothing contained in this ~~section~~ article is intended to infringe upon the constitutionally protected rights
13 guaranteed by the Florida Constitution and the First Amendment of the United States Constitution. This
14 section enacts narrowly drawn, content-neutral regulations that are to be interpreted to not unduly restrict
15 constitutionally protected rights.

16 **Sec. 18-103. Definitions.**

17 The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them
18 in this section, except where the context clearly indicates a different meaning. These definitions are supplemental
19 to the definitions in section 1-2 of this code. The definitions in this section shall, prevail in case of conflict.

20 *A-weighted sound level* means the sound pressure level in decibels as measured with a sound level meter
21 using the A-weighting network as described in ANSI S1.4-1983 issued by the American National Standards Institute.
22 The unit of measurement is the dBA.

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

25 *C-weighted sound level* means the sound pressure level in decibels as measured with a sound level meter
26 using the C-weighting network as described in ANSI S1.4-1983 issued by the American National Standards Institute.
27 The unit of measurement is the dBC.

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

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

33 *Commercial zone* ~~means uses and activities on~~ lands primarily intended for business or commercial use.

34 *Decibel (dB)* means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base
35 ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20
36 micronewtons per square meter).

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

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

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

42 *Enforcement official* means any Florida certified law enforcement officer, or community service
43 officer/deputy, or code enforcement official ~~officer~~.

1 *Emergency* has the meaning ascribed to it in section 1-2 of this code ~~means any occurrence or set~~
2 ~~circumstances involving actual or imminent physical injury to persons or property which demands immediate~~
3 ~~action. It shall be the burden of the alleged violator to prove the "emergency".~~

4 *Emergency vehicle* means a motor vehicle or vessel used by fire-rescue/emergency medical personnel, law
5 enforcement, community service officers, or code enforcement ~~officials/officers,~~ or a motor vehicle or vessel used
6 in response to a public calamity or to protect persons or property from imminent danger.

7 *Emergency work* means work made necessary to restore property to a safe condition following a public
8 calamity, work to restore public utilities, or work required to protect persons or property from an imminent
9 exposure to danger.

10 *Equivalent sound pressure level* means the constant sound level that, in a given situation and time period,
11 conveys the same sound energy as the actual time-varying sound.

12 *Excessive noise* ~~see noise disturbance~~

13 *Frequency* means the number of complete fluctuations per second of the sound wave.

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

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

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

19 *Institutional zone* means ~~uses and activities on lands~~ primarily intended for non-commercial non-residential
20 ~~or commercial activity such as public lands, schools, churches~~ houses of worship, or conservation areas.

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

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

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

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

29 *Noise disturbance or excessive noise* means any sound, which because of its volume level, duration, and
30 character, as articulated in the standards of this article, disturbs the peace and comfort, injures, or endangers the
31 ~~comfort, health, peace, or safety and welfare~~ or is a nuisance to reasonable persons of ordinary sensibilities,
32 ~~constituting a nuisance. Noise disturbance means any sound which endangers or injures the health of humans or~~
33 ~~disturbs a reasonable person of ordinary sensibilities.~~

34 *Period of observation* means the time interval during which noise and facts are obtained by enforcement
35 officials.

36 *Person* ~~has the meaning ascribed to it in section 1-2 of this code means any natural person, individual,~~
37 ~~association, partnership, corporation, municipality, governmental agency, business trust, estate, trust, two or more~~
38 ~~persons having a joint or common interest or any other legal entity and includes any officer, employee,~~
39 ~~department, agency or instrumentality of the United States, a state or any political subdivision of a state or any~~
40 ~~other entity whatsoever or any combination of such, jointly or severally.~~

41 *Person(s) responsible* means, but, is not limited to, any person who has any manner of control over a
42 property, premises, dwelling, structure, location, business, vehicle, device, stereo, or source of sound and may
43 include, but is not limited to, any property owner, tenant, subtenant, business owner, resident, operator or person
44 having operational control, person(s) creating or controlling the volume of sound, property manager, or person(s)

1 in charge or otherwise authorized to make decisions regarding the use of sound equipment, or any combination of
2 such, jointly and severally.

3 *Plainly audible* means any sound that can be clearly heard and understood by a reasonable person using such
4 person's ordinary auditory senses, so long as the person's hearing is not enhanced by any device, such as a hearing
5 aid.

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

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

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

13 *Public right-of-way* has the meaning ascribed to it in section 1-2 of this code ~~means any street, avenue,~~
14 ~~boulevard, highway, alley, or public space, which is dedicated to, owned, or controlled by a public governmental~~
15 ~~entity.~~

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

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

19 *Residential zone* means ~~uses and activities on~~ lands primarily intended for residential use.

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

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

25 ~~Unreasonably excessive noise from a property means sound from any property, which is unreasonably loud~~
26 ~~and raucous meaning any sound that, because of its volume level or duration, jars, injures, or endangers the~~
27 ~~health, safety, welfare, or wellbeing of a reasonable individual of ordinary sensibilities. Unreasonably excessive~~
28 ~~noise violations are considered irreversible or irreparable.~~

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

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

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

2 (a) *Prohibition of ~~unreasonably excessive noise from a property.~~* It ~~shall be~~ unlawful for any person(s), including
3 the property owner(s), to permit, cause, allow, create, emit, or sustain ~~unreasonably excessive noise from a~~
4 ~~property, including the air space above the property thereof, located in the City of Marco Island.~~ Noise
5 ~~disturbances violations are considered irreversible and irreparable violations of this article.~~

6 (b) *Prima facie evidence.* For the purposes of this subsection, the following shall constitute prima facie evidence
7 ~~that a sound noise (whether recurrent, intermittent, or continuous) is unreasonably excessive and raucous if:~~

8 (1) Between the hours of 10:00 p.m. and 7:00 a.m., the sound is plainly audible a minimum of 50 feet from
9 the property line of the source of the sound or within a fully enclosed structure or residence on any
10 receiving property; or

11 (2) Sound pressure levels by receiving land use;

Receiving Land Use Category	Time	Sound Pressure
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		Level Limit (dBA)
Residential zone, public space, or institutional zone	7:00 a.m.—9:00 p.m.	68
	9:00 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

12
13 ~~(b) (3) Multifamily dwellings and duplexes. In the case of multifamily dwellings and duplex dwelling~~
14 ~~units, it shall be unlawful to create or permit to be created any sound that exceeds a sound pressure~~
15 ~~level of 50 dBA, during the hours between 7:00 a.m. to 9:00 p.m., or 45 dBA during the hours between~~
16 ~~9:00 p.m. and 7:00 a.m., daily, measured from inside any other neighbor's dwelling unit within such~~
17 ~~multifamily or duplex structure. The plainly audible standard does not apply to this paragraph in~~
18 ~~multifamily dwellings and duplexes.~~

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

23 **Sec. 18-105. Specifically ~~noise prohibited prohibitions activities.~~**

24 ~~The following specific standards and restrictions shall apply to specific uses and/or activities in the city~~
25 ~~except for such exemptions as are enumerated herein. In addition to the standards for noise disturbances in~~
26 ~~section 18-104, the following acts are declared to be noise disturbances, loud, disturbing, excessive noise~~
27 ~~and/or unreasonably excessive noise from a property, in violation of this article, but said acts shall not be deemed~~
28 ~~to be exclusive. Unless otherwise specified herein, all other unlawful noise-generating activities are prohibited.~~
29 ~~Noise violations are considered irreversible and irreparable.~~

- 30 (1) *Construction equipment and activity.* Operating or causing to be operated any equipment or
31 performing any activity in furtherance of construction, ~~repair, alteration~~ or demolition work on
32 buildings, structures, roads, or projects within the city:
- 33 a. Between the hours of 7:00 p.m. and 7:00 a.m.
 - 34 b. For pile driving activities, between the hours of 7:00 p.m. and 8:00 a.m.
 - 35 c. On Sundays, or any holidays declared by the City of Marco Island or the government of the
36 United States.
- 37 (2) *Activities in the vicinity of schools, ~~churches~~ houses of worship, and health care facilities.* Creating any
38 ~~excessive noise~~ on any street adjacent to any school, ~~church~~ house of worship, or health care facility,
39 which unreasonably interferes with the workings of such institution, or ~~causes excessive noise to be~~
40 ~~heard within such facilities which disturbs patients in a health care facility.~~
- 41 (3) *Landscape maintenance.* Undertaking landscape maintenance activities, including the use of air-
42 blowing or vacuum equipment, ~~in such a manner as to create noise that is plainly~~ audible across a real
43 property boundary between the hours of 9:00 p.m. and 7:00 a.m. Golf courses engaged in the regular
44 maintenance of greens, fairways, practice areas, etc., are exempt from this provision.
- 45 (4) *Fireworks.* The use of fireworks ~~as defined in F.S. ch. 791.01~~ is prohibited at any time without a permit
46 within the incorporated limits of the City of Marco Island pursuant to F.S. §§ 791.014(4)(a) and (b).
- 47 ~~(5) It shall be unlawful for any person owning or in possession of any building or premises to use or rent~~
48 ~~the same for any business or residential use, or for any purpose of pleasure or recreation if such use~~
49 ~~makes, continues, or causes to be made or continued, any noise disturbance, as defined in this article~~
50 ~~within the limits of the city.~~

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

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

- 3 (1) Sound made by a horn or other warning device required or permitted by F.S. § 316.271 or F.S. § 327.65
4 other statutory provision shall be regulated in accordance with state law.
- 5 (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or
6 acting in time of emergency or any other public safety operation.
- 7 (3) Noises resulting from emergency work, which is to be construed as work made necessary to restore
8 property to a safe condition following a public calamity, or work required to protect persons or
9 property from any imminent exposure to danger. It shall be the burden of an alleged violator to prove
10 an emergency.
- 11 (4) Noises incidental to city approved refuse collection.
- 12 (5) Community events such as parades, festivals, sporting events, or fairs being conducted in accordance
13 with the conditions contained in a special event permit granted by the city manager or designee.
- 14 (6) Noises associated with city operations, construction, or maintenance.
- 15 (7) Noises associated with police or fire department training.
- 16 (8) Sound from cCommunity and organized sporting events and school activities.
- 17 (9) Noise associated with lightning warning systems.
- 18 (10) Non-amplified crowd ~~sounds~~ noise resulting from otherwise lawful public gatherings.
- 19 (11) Noise from aAny aircraft operating in conformity with, or pursuant to, federal law, federal air
20 regulations, and air traffic control instructions used pursuant to and within the duly adopted federal air
21 regulations.
- 22 (12) Amplified sound on property controlled by a governmental agency during governmental sponsored
23 activities.
- 24 (13) Sound produced by activities in the fields, grounds, or facilities of any sporting venue to which the
25 public or community has access.
- 26 (14) Sounds generated by Houses of worship ~~(excluding between 7:00 a.m. and 7:00 p.m.)~~

27 **Sec. 18-107. Temporary exemption.**

- 28 (a) A person may seek a temporary exemption from the provisions of this section ~~by seeking an exemption from~~
29 ~~the city manager.~~ A completed exemption application must be submitted, on a form provided by the city,
30 and submitted to the designated cit. department. An exemption may only be issued for a specified limited
31 period of time and ~~shall set forth~~ is subject to such conditions or requirements ~~as shall be deemed necessary~~
32 to mitigate potential adverse effects upon neighboring properties and to otherwise ensure that the public
33 health, safety, and general welfare is protected. The city manager may adopt administrative rules, ~~as he or~~
34 ~~she deems necessary,~~ to implement the provisions of this section.
- 35 (b) In determining whether an exemption shall be issued, the city manager shall consider the following criteria:
 - 36 (1) The granting of the exemption will not establish a precedent of or encourage more incompatible uses
37 in the surrounding area; and
 - 38 (2) The applicant has demonstrated that enforcement of the provisions of this ~~chapter article~~ would create
39 an undue hardship on the applicant because of unique circumstances peculiar to the applicant; ~~and.~~

- 1 (c) The city manager shall grant or deny an application for an exemption within 15 days from the date of the
 2 filing of a complete application. An application may be denied if it is determined to be incomplete. If no
 3 ruling has been made, upon the expiration of the 15th day, or if the 15th day is a Saturday, Sunday, or holiday,
 4 upon the following working day, the application shall be deemed to be granted.
- 5 (d) Any violation of any conditions imposed upon the granting of the exemption shall be deemed a violation of
 6 this section article.

7 **Sec. 18-108. Enforcement and penalties.**

8 The authority to enforce the provisions of the City of Marco Island Noise Control Ordinance shall be vested in
 9 enforcement officials. Nothing in this section shall prohibit the sworn law enforcement officers identified as
 10 enforcement officials from charging persons responsible for acts, which affect the peace and quiet of other
 11 persons, that violate this article with for breach of the peace or disorderly conduct under pursuant to F.S. §
 12 877.03, as may be amended from time to time. This section shall be enforced by an enforcement official as follows:

- 13 — (1) Any person(s) responsible for a violation of the City of Marco Island Noise Control Ordinance
 14 violating this article shall be given a warning that a notice of violation or citation will be issued for
 15 violation of the city's noise ordinance if the person(s) responsible fails to bring the sound level into
 16 compliance within five minutes and maintain a compliant sound level for the next 48 hours that follow.
 17 The notice and warning may be given in writing or verbally and to inform the person(s) responsible for a
 18 purported excessive noise disturbance violation of that there is a the violation of the City of Marco
 19 Island's Noise Control Ordinance. No warnings will be issued after 11:00 p.m. The notice shall include, at
 20 a minimum, the following:
- 21 You are being notified that you are in violation of the City of Marco Island's Noise Control Ordinance.
 22 You are being given a five minute warning to bring the sound level into compliance with the City of
 23 Marco Island's Noise Control for the next 48 hours. The failure to timely bring the sound level into
 24 compliance is a violation of the City of Marco Island's Noise Ordinance.
- 25 (2) The enforcement official may issue a notice of violation or citation to any person(s) responsible who
 26 Failure to does not timely bring the sound level into compliance shall be enforced under the provisions
 27 of chapter 14.
- 28 (3) Any person(s) responsible for a violation of this article the City of Marco Island Noise Control
 29 Ordinance, which violations are that tars, injures, or endangers the health, safety, welfare, or wellbeing
 30 of a reasonable individual of ordinary sensibilities, because of the volume level or duration of the noise,
 31 considered irreparable and irreversible in nature, may, without warning, be immediately issued a
 32 citation or notice of violation for an irreparable and irreversible offense. by an officer.
- 33 (4) Regardless of whether if the property owner person(s) caused responsible for a the violation noise
 34 disturbance occurring on their property of the City of Marco Island Noise Control Ordinance is not the
 35 property owner, the property owner will be issued a notice of violation or citation for each individual
 36 violation of the City of Marco Island Noise Control Ordinance this article. The first violation of the City of
 37 Marco Island Noise Control Ordinance by a property owner, in a rolling twelve-month period, will result
 38 in the issuance of a notice of violation, which shall constitute an official warning. All subsequent
 39 violations in a rolling twelve-month period shall result in issuance of citations or notices of violations
 40 issued to the property owner, in a rolling twelve-month period, shall that require a hearing before the
 41 City of Marco Island Code Enforcement Special Mmagistrate, and the potential imposition of a fine for
 42 the violation(s).
- 43 (5) Any person(s), including the property owner(s), who violates any of the provisions of this section article
 44 shall be subject to a civil penalty as adopted by Resolution of the City Council, not to exceed \$250.00 for
 45 a first violation (excludes the violation which resulted in the property owner's first warning), \$500.00
 46 for the second violation, and \$1,000.00 for the third violation, \$2,000.00 for the fourth violation,
 47 \$4,000.00 for the fifth violation, and \$5,000.00 for the sixth and subsequent violations occurring within

1 one year after a finding of violation of the previous offense or the payment of a citation for a violation
2 of this ordinance/article. Each violation of this section/article shall constitute a separate and distinct
3 offense for which a civil citation or notice of violation may be issued.

4 (6) Joint and several responsibility. Any person(s) responsible for unreasonably excessive noise from a
5 property or from a vehicle, as defined herein, may be liable for the violation under this section. More
6 than one person may be found to be responsible for the violation.

7 (7) The city may use all available means of enforcement provided in chapter 14 of this code.

8 **~~Sec. 18-109. Civil remedies.~~**

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

12 **~~Sec. 18-110. Jurisdiction and enforcement.~~**

13 (a) ~~This article is enforceable by enforcement officials.~~

14 (b) ~~Such officers and officials shall have the power and duty to issue such orders and to make such investigations
15 and reports in connection with the provisions of this article, or cause any inspections to be made for noise
16 violations in accordance with this article and the Florida Statutes.~~

17 **~~Sec. 18-111. Public nuisance.~~**

18 Unreasonably excessive noise is declared a public nuisance as defined and discussed under Chapter 18
19 Environment/Article II Nuisance, Litter, Weed, Plant and Right Of Way Control. The prosecution of an offense
20 under this section does not limit the city's right to abate the public nuisance, or from seeking injunctive relief, by
21 any means provided by law. The city attorney or designee(s) may bring suit on behalf of the city against the
22 person(s) responsible for causing, maintaining, permitting, or allowing a public nuisance under this section. This
23 section shall not prohibit or otherwise restrict any person(s) from bringing suit against a public nuisance for
24 unreasonably excessive noise. Relief may be granted according to the terms and conditions of F.S. § 60.05, or any
25 other means provided by law.

26 **~~Secs. 18-10918-112—18-140. Reserved.~~**