

ANNOTATED COPY OF 20-05 NOISE ORDINANCE WITH
REQUESTED CHANGES

This is the copy of the ordinance 20-05 which incorporates
my original requests presented to the City Attorney and staff
in mid-february.

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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

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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:**

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9 **Section 1. Recitals.**

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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.

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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:

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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

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(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.-	66 60
	8:00 p.m.	
	8:00 p.m.-	60 55
	7:00 a.m.	
Commercial zone	7:00 a.m.-	72
	9:00 p.m.	
	9:00 p.m.-	65
	7:00 a.m.	

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- 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.

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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.

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(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:

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(a). Between the hours of 7:00 p.m. and 7:00 a.m.

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(b). For pile driving activities, between the hours of 7:00 p.m. and 8:00 a.m.

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(c.) On Sundays, or any holidays declared by the City of Marco Island or the government of the United States.

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(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.

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(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.

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(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).

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(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.

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Sec. 18-106. - Exemptions.

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

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- 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 15th day, or if the 15th 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~~ **MUST**
341 be 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.

MUST

- 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.~~ **including the property owner**
- 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. **the addition of late fees to ensure compliance**
- 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.

**guest or renter
written notice of
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. **enforcement officials will not disclose identity of**
404 **complainant**

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.

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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.

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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 5th 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