

CC to all Councilors: For your review - please do not reply.

Mr. Gabriel, I am working from the copy of what was sent to me as the complete, current noise ordinance. This copy came with a number of typographical errors that I left 'as is'. The draft which I have also attached, that you sent - "Ordinance 26-?" does not reflect what I am seeking. The removal of multiple definitions, whereas clauses, striking 'irreversible and irreparable', the reinterpretation of plainly audible, a lack of verbiage requiring mandatory fines or statutory requirement for imposing collections (FS 166) and the repeated use of the word "may" render the draft ordinance virtually unusable from my perspective. Please note the return to the ordinance of the phrase:

"Noise violations are considered irreversible and irreparable" from our previous ordinance 20-05 Section 18-104 (1) which is also repeatedly referenced in State Statute Title XI, Chapter 162 as the triggering threshold for the maximum fine allowable.

Below is the current noise ordinance which has been annotated to reflect my intent. The majority of what is shown in green was previously removed from the ordinance in September of 2024 in the "Non substantive change" review. I submit, it was substantive. I have consulted Florida State Statute 166.041 (municipal procedures for adoption of ordinances), Section 1.03 of our charter, the Florida League of Cities 'Municipal Officials Manual', as well as multiple sections of Florida Statute Chapter 162. I believe I have verified that all my suggestions are legal and necessary to craft an effective ordinance. For the sake of expedience, items to be removed are stricken through and additions are in green. The order of the recitals may need to be changed but I believe the content to be accurate and defensible. I would appreciate this draft be crafted to include all my revisions.

Sincerely,  
Stephen Gray

## Marco Island Code of Ordinances

### ARTICLE IV. - NOISE CONTROL

#### Footnotes:

Editor's note Ord. No. 24-15, §2(Exh. A), adopted Sept. 9, 2024, amended Art. VI in its entirety, in effect repealing and reenacting said Art. VI to read as set out herein. The former Art. IV, § 18-101-18-111, pertained to similar subject matter and derived from Ord. No. 01-31, § 1-10, adopted Nov. 5, 2001; Ord. No. 15-06, §2, adopted April 6, 2015; Ord. No. 20-05, § 2, adopted Oct. 5, 2020; Ord. No. 21-14, § 2, adopted Nov. 1, 2021.

#### Sec. 18-101. - Short title.

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

(Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

#### Sec. 18-102. - Intent and purpose.

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

(b) The city council finds that excessive noise degrades the environment of the city to a degree that such noise:

(1) Is harmful to the health, safety, and welfare of city residents and visitors; and

(2) Interferes with the comfortable enjoyment of life and property; and

(3) Interferes with the well-being, tranquility, and privacy of one's home; and

(4) Can cause and aggravate health problems.

(c) The effective control of excessive noise is essential to the health, safety, and welfare of city residents and visitors, and fosters the comfortable enjoyment of life, including, but not limited to, recreation, work, communication, and rest.

This section is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of residents and visitors of the city through the control, reduction, and prevention of noises that disturb, injure, or endanger the comfort, repose, health, peace, **right to quiet enjoyment**, safety of reasonable persons of ordinary sensitivities.

(e) Nothing contained in this article is intended to infringe upon the constitutionally protected rights guaranteed by the Florida Constitution and the First Amendment of the United States Constitution. ~~This section enacts narrowly drawn, content neutral regulations that are to be interpreted to not unduly restrict constitutionally protected rights.~~

~~(5) Due to the nature of excessive noise violations and their detrimental effect to the community, per Florida State statute Chapter 162, and the Criteria for Classification~~

~~The following factors are considered when determining if a violation is irreparable or irreversible:~~

~~Nature of the Violation:~~

~~Impact on Property: The extent to which the violation effects the property's usability or value is directly impacted. The Marco Island City Council has determined that noise violations are considered irreversible and irreparable.~~

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 un-necessary noise, and authorizes the adoption of local ordinances that are intended to protect its citizens from noise pollution; and 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 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 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

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 proscribe specific levels of sound (in decibels) that are reasonably related to the noise problem sought to be regulated; and the City of Marco Island City Council finds that this Ordinance serves a municipal and public purpose, and is in the best interest of the health, safety, and welfare of the citizens and residents of the City of Marco Island.

Marco Island, FL Code of Ordinances Sec. 18-103.-Definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. These definitions are supplemental to the definitions in section 1-2 of this code. The definitions in this section shall prevail in case of conflict.

A-weighted sound level means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network as described in ANSI S1.4-1983 issued by the

American National Standards Institute. The unit of measurement is the dBA.

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

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

Construction means any site preparation, assembly; erection, substantial repair, alteration (or similar action) of structures, utilities, public or private right-of-way or similar things.

Construction does not include demolition.

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

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

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

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

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

Duplex means a structure containing two dwelling units.

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

Emergency has the meaning ascribed to it in section 1-2 of this code.

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

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

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

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

Excessive Noise is defined as noise levels above the allowable decibels contained in this ordinance

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

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

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

Governmental entity means any federal, state, county, municipal, district, board or separate unit of government created or established by

law.

Holiday means those days designated as legal holidays by the federal government.

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

Motor vehicle means any self-propelled vehicle, such as, but not limited to, passenger cars, trucks, truck trailers, semitrailers, campers, motorcycles, minibikes, go-carts, amphibious craft on land, and dune

buggies or racing vehicles which are propelled by mechanical power.

Motorboat means any vehicle which is primarily operated on water or

which does operate on water, such as boats, barges, amphibious craft, or

hover craft, and which is propelled by mechanical power.

Muffler means any apparatus consisting of baffles, chambers, or acoustical absorbing material whose primary purpose is to transmit liquids

or gases while causing a reduction in sound emission at one end.

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

Noise disturbance or excessive noise means any sound, which because of its volume level, duration, as articulated in the standards of this article, disturbs the peace and comfort or endangers the health safety and welfare of **any** person of ordinary sensibilities which would constitute a nuisance.

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

~~Person has the meaning ascribed to it in section 1-2 of this code.~~  
**Person means any natural person, individual, association, partnership, corporation, municipality, governmental agency, business trust, estate, trust, two or more persons having a joint or common**

interest or any other legal entity and includes any officer, employee, department, agency or instrumentality of the United States, a state or any political subdivision of a state or any other entity whatsoever or any combination of such, jointly or severally.

Person(s) Responsible (which shall be synonymous with 'responsible party') means, but is not limited to, any person who has any manner of control over a property, premises, dwelling, structure, location, business, vehicle, device, stereo, or source of sound and may include, but is not limited to, any property owner, tenant, renter, subtenant, business owner, resident, operator or person having operational control, person(s) creating or controlling the volume of sound, property manager, or person(s) in charge or otherwise authorized to make decisions regarding the use of sound equipment, or any combination of such, jointly and severally. The property owner of record will be considered the default responsible party, to be served jointly. If the property is held by a corporation the responsible party is the managing partner or the majority shareholder. If the property is held by a trust, the trustee(s) shall be the responsible party.

Plainly Audible means any sound that can be clearly heard and understood by a reasonable person using such person's ordinary auditory senses, so long as the person's hearing is not enhanced by any device, such as a hearing aid. This does not include the necessity to distinguish the type of sound (such as music, speech, or a specific instrument). For enforcement purposes, the sound may be defined as occurring for a duration of 30 seconds. Brief, momentary, intermittent or repetitive noises recurring over a period of time shall also constitute a plainly audible sound under this definition.

Powered model vehicles means any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, such as, but not limited to, model

airplanes, boats, cars, rockets, and which are being propelled by mechanical means.

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

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

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

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

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

Repeat violation, per Florida Statute 162.04 (5) means: a violation of a provision of a code or ordinance by a person who has been previously found through code enforcement - (who shall be the property owner and responsible party) - or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within 5 years prior to the violation.

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

Sound means an oscillation in pressure, particle displacement, particle

velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

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

Unreasonably Excessive Noise From a Property means: sound from any property, which is unreasonably loud and raucous meaning any sound that, because of its volume level or duration, jars, injures, or endangers the health, safety, welfare, or wellbeing of a reasonable individual of ordinary sensibilities. Unreasonably Excessive Noise violations are considered irreversible or irreparable and are defined by the decibel levels in this Ordinance.

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

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

(Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Marco Island, FL Code of Ordinances Sec. 18-104. -

General noise prohibitions.

(a) Prohibition of excessive noise from a property. It is unlawful for any person, including the property owners, to permit, cause, allow, create, emit, or sustain excessive noise from a property, including the air space above the property. Noise disturbances are irreversible and irreparable violations of this article.

(b) Prima facie evidence. For the purposes of this subsection, the following shall constitute prima facie evidence that noise (whether recurrent, intermittent, or continuous) is excessive:

(1) Between the hours of 10p.m. and 7:00 a.m., the sound is deemed plainly audible a minimum of 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

(2) Sound pressure levels by receiving land use;

Receiving Land Use Category

Time

Residential zone, public space,

7:00 a.m.—9:00 p.m. or institutional zone

9:00 p.m.-7:00 a.m. Commercial zone

7:00 a.m.-9:00 p.m. 9:00 p.m.-7:00 a.m.

Sound Pressure Level Limit (dBA)

Receiving Category	Land Use	Time	Sound Pressure Level Limit (dBA)		
Residential zone, public space, or institutional zone		7:00 a.m. — 9:00 p.m.	<u>60</u>	<del>63</del>	<del>68</del>
		9:00 p.m. --- 7:00 a.m.	<u>55</u>	<del>60</del>	
Commercial zone		7:00 a.m. --- 9:00 p.m.	<u>70</u>	<del>72</del>	
		9:00 p.m. --- 7:00 a.m.	<u>63</u>	<del>65</del>	

Residential zone, public space and institutional zone will not exceed 60 dBa from 7am-9pm and 55 dBa from 9pm-7am

(c) Multifamily dwellings and duplexes. It is 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. measured from inside any other dwelling unit within such multifamily or duplex structure. The plainly audible standard ~~does not apply to this paragraph.~~ Still applies to noise outside the structure.

(d) It is unlawful for any person owning or in possession of any building or premises to use or rent the same for any purpose, 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.

(Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 18-105. - Specifically prohibited activities.-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. In addition to the standard for noise disturbances in section 18-104, The following acts are declared to be noise disturbances: 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.

In addition to the standards for noise disturbances in section 18-104, the following acts are declared to be noise disturbances in violation of this article.

(1) Construction equipment and activity. Operating or causing to be operated any equipment or performing any activity in furtherance of construction 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.

(2) Activities in the vicinity of schools, houses of worship, and health care facilities. Creating any noise on any street adjacent to any school, house of worship, or health care facility which unreasonably interferes with the workings of such institution, or causes excessive noise to be heard within such facilities.

(3) Landscape maintenance. Undertaking landscape maintenance activities, including the use of air-blowing or vacuum equipment, that is plainly audible 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.

Fireworks. The use of fireworks as defined in F.S. § 791.01 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

(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

(Ord. No. 24-15, § 2(Exh. A), 9-9-2024) Sec. 18-106. -

#### Exemptions:

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

- (1) Sound made by a horn or other warning device required or permitted by F.S. § 316.271 or other statutory provision shall be regulated in accordance with state law.
- (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency or any other public safety operation.
- (3) Noises resulting from emergency work, which is to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from any imminent exposure to danger. It shall be the burden of an alleged violator to prove an emergency.
- (4) Noises incidental to city approved refuse collection.
- (5) Community events such as parades, festivals, sporting events, or fairs being conducted in accordance with the conditions contained in a special event permit granted by the city manager
- (6) Noises associated with city operations, construction, or maintenance.
- (7) Noises associated with police or fire department training.
- (8) Sound from community and organized sporting events and school activities
- (9) Noise associated with lightning warning systems.
- (10) Nonamplified crowd noise resulting from otherwise lawful public gatherings

(11) Noise from any aircraft operating in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instructions used pursuant to and within the duly adopted federal air regulations.

(12) Amplified sound on property controlled by a governmental agency during governmental sponsored activities

(13) Sound produced by activities in the fields, grounds, or facilities of any sporting venue to which the public or community has access; **sound above the plainly audible threshold will cease at 10pm.**

(14) Sounds generated by houses of worship between 7:00 a.m. and 7:00 p.m.

(Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 18-107. - Temporary exemption.

(a) A person may seek a temporary exemption from the provisions of this section. A completed exemption application must be submitted, on a form provided by the city, and submitted to the designated city department. An exemption may only be issued for a specified limited period of time and is subject to conditions or requirements deemed necessary to mitigate potential adverse effects upon neighboring properties and to otherwise ensure that the public health, safety, and general welfare is protected. The city manager may adopt administrative rules to implement the provisions of this section **with a majority vote of Council.**

(b) In determining whether an exemption shall be issued, the city manager, **with a majority vote of Council,** shall consider the following criteria:

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

(2) The applicant has demonstrated that enforcement of the provisions of this article would create an undue hardship on the

applicant because of unique circumstances peculiar to the applicant.

(c) The city manager shall grant or deny an application for an exemption within 15 days from the date of the filing of a complete application. An application may be denied if it is determined to be incomplete. **Such exemptions shall not exceed 3 calendar days per year.** ~~If no ruling has been made, upon the expiration of the 15th day, or if the 15th day is a Saturday, Sunday, or holiday, upon the following working day, the application shall be deemed to be granted.~~

(d) Any violation of any conditions imposed upon the granting of the exemption shall be deemed a violation of this article.

(Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Sec. 18-108. - Enforcement and penalties.

Nothing in this section prohibits sworn law enforcement officers from charging persons responsible for acts that violate this article with breach of the peace or disorderly conduct pursuant to F.S. § 877.03. **Per F.S. SS 162.06, a code inspector may initiate enforcement proceedings by way of anonymous complaint if the official has reason to believe that the violation presents an imminent threat to public health, safety or welfare or imminent destruction of habitat or sensitive resources. Also, pursuant to this statute, for a repeat violation, the officer is not required to give the violator reasonable time to correct the violation and may immediately write a citation.**

(1) Any person(s) violating this article shall be given a **written** warning that a notice of violation or citation will be issued for violation of the city's noise ordinance if the person(s) responsible fails to bring the sound level into compliance within five minutes and maintain a compliant sound level for the 48 hours that follow. The notice and warning ~~may~~ **shall** be given in writing ~~or verbally~~ to inform the person(s) responsible for a purported noise disturbance of the violation. No warnings will be issued after

11:00 p.m. and a citation and notice of fine will be immediately issued.

Failure to timely bring the sound level into compliance shall be enforced under the provisions of chapter 14 and FS statute 162.06 (4) & (5)

Any person(s) responsible for a violation of this article that jars, injures, or endangers the health, safety, welfare, or wellbeing of a reasonable individual of ordinary sensibilities, because of the volume level or duration of the noise, ~~may~~, shall, without warning, be immediately issued a citation or notice of violation for an irreparable and irreversible offense.

Regardless of whether the property owner caused the noise disturbance occurring on their property, the property owner will be issued a warning, notice of violation or citation for each individual violation of this article.

The first violation in a rolling 12-month period, will result in the issuance of a written notice of violation, which shall constitute an official warning. This written warning shall contain at least, but not limited to: the name of the violator, property address, and responsible party/property owner who is also sent the warning and be duly logged into the system and accessible for officials to track future complaints. All subsequent violations at the same property, in a rolling 12-month period shall result in issuance of citations, or notices of violations that require a hearing before the special magistrate, and the ~~potential~~ imposition of a fine for the violation(s).

(5) Any person(s), including the property owner(s), who violates any of the provisions of this article shall be subject to a civil penalty as adopted by Resolution of the City Council.

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

The property owner will be issued joint citations for every citation and warning and will be considered the responsible party.

(7) The city may use all available means of enforcement provided in chapter 14 of this code and per State Statute 162.

Per State Statute 162.06(3) if a repeat violation is found, the code inspector is not required to give the violator reasonable time to correct the violation. Also according to 162.06(1)(a), the requirement for a person to report a potential violation of a code does not apply if the code inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

Regardless of whether the property owner caused the noise disturbance occurring on their property, the property owner will be issued a notice of violation or citation for each individual violation of this article. The first violation in a rolling 12-month period, will result in the issuance of a notice of violation, which shall constitute an official warning. All subsequent violations at the same property will come with the imposition of a fine for the violation(s). upon a finding of violation(s) the following fines shall be imposed:

1st violation - \$250

Subsequent violation -- \$500

Any violation beyond a second or subsequent violation at any given property address, regardless of who caused the disturbance, is by default determined to constitute a irreparable or irreversible condition. Any disturbance after 11pm at a subject property which has been issued a warning in a rolling 12 month period, shall constitute an irreparable and irreversible condition and shall result in the maximum allowable fine of \$5000. A citation for this violation, pursuant to State Statute 162.09, will constitute a repeat violation resulting in a fine of \$5,000 per occurrence at a given property in a rolling 12-month period which shall be accompanied by the issuance of citations, or notices of violations

that require a hearing before the special magistrate for the property owner.

Code enforcement officials or Police Officers will be prohibited from identifying the person who made the complaint at the scene. Per Statute 119, this information must be obtained with a records request to allow for complainant protection.

#### Sec. 18.109 Civil Remedies

In addition to the penalties provided, the city manager, city attorney or magistrate, is hereby authorized to institute any appropriate action or proceeding including suit for injunctive relief in order to prevent or abate violations of this article.

#### Sec. 18.110 Jurisdiction and enforcement

This article is enforceable by law enforcement and code officials, such officers and officials shall have the power and duty to issue such orders and to make such investigations and reports in connection with the provisions of this article, or cause any inspections to be made for noise violations in accordance with this article and the Florida Statutes.

#### Sec. 18.111

##### Public Nuisance

Unreasonable or excessive noise is declared a public nuisance as defined and discussed under chapter 18 (Environment article II, Nuisance). The prosecution of an offense under this section does not limit the city's right to abate the public nuisance, or from seeking injunctive relief, by any means provided by law. The city attorney or designee(s) may bring suit on behalf of the city against the person(s) responsible for causing, maintaining, permitting or allowing a public nuisance under this section This section shall not prohibit or otherwise restrict any person(s) from bringing suit against a public nuisance for unreasonably excessive noise. Relief may be granted according to the terms and conditions of Florida Statutes or any other means provided by law.

#PLEASE ADD SEVERiBILITY and INTERPRETATION

(Ord. No. 24-15, § 2(Exh. A), 9-9-2024)

Secs. 18-109-18-140. - Reserved.

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