

## Subject: Reforming Marco Island's Noise Ordinance - A comparative analysis and Legal Framework for Stronger Enforcement

### Executive Summary

Marco Island's current noise ordinance has proven ineffective in addressing persistent and escalating disturbances in residential areas. This paper compares our existing framework with stricter enforcement models in Florida municipalities such as Wildwood and Tampa. Collier county codes also show a lower decibel level (A) than Marco Island, which illustrates their diminished tolerance for excessive noise. This paper will also examine the legal viability of implementing a peace bond requirement for repeat offenders. I have gotten multiple complaints from residents who have lost their quiet enjoyment entirely due to constant noise violations that have gone unaddressed and unresolved.

Based on this analysis, I recommend adopting a comprehensive, effective noise control ordinance that includes strict liability for property owners, timely and consistent enforcement without warnings, release of complainant names only via a FOIA request and mandatory peace bonds for repeat violations. The first and fundamental change would be to adopt the triggering level of decibels which are enforced in Collier County:

It was pointed out to me by Chief Frazzano to be truly effective, the Collier County Ordinance would need some changes.

Therefore, I propose the following to be adopted with the Counties triggering decibel levels:

Residential	7am-9pm	60 Db(a)
	9pm-7am	55 Db(a)
Commercial.	7am-9pm	65 Db(a)
	9am-7am.	60 Db(a)

## 1. Current Challenges in Marco Island - Key Issues

**Discretionary Enforcement:** Officers often issue warnings or delay action, allowing repeat disturbances with minimal to no consequences.

**Lack of Owner Accountability:** Property owners are not held strictly liable for violations caused by occupants or guests.

**Ineffective Penalties:** Fines are too low and not escalating in a measurable way to serve as a deterrent. Per my research, in Florida, Code Enforcement fines cannot exceed a civil penalty of \$500 per citation. I would recommend that first violation be \$200; for the second violation \$500 and then proceed to the proposal of a peace bond for an identified property.

**Weak Implementation:** Police response to noise complaints is inconsistent, and not given the serious consideration that it merits. I have the personal experience of a noise complaint being ignored.

**Outcome of our current situation:** Chronic disturbance issues persist, I personally know residents that have been compelled to sell their homes and leave the Island. Resident's quality of life has become critically compromised, this is a long standing issue that needs resolution.

## 2. Comparative Analysis: Florida Municipalities with Effective Noise Ordinances

WILDWOOD, FLORIDA

**Strict Liability:** Property owners are held accountable for noise violations committed by occupants and guests

**Immediate Enforcement:** No warnings are issued, citations are given upon first verified complaint.

**Escalating Fines:** Penalties increased with each subsequent violation.

**Mandatory Hearings:** Repeat offenses trigger required Code Enforcement or Magistrate Review.

## TAMPA, FLORIDA

**Dual Enforcement Standards:** Utilizes both the decibel-based and “plainly audible” thresholds to maximize enforceability.

**Broad Investigative Authority:** A named complainant is sufficient to establish probable cause for police investigation and action.

**Repeat Violator Tracking:** Properties with multiple violations are flagged for targeted monitoring and mandatory court appearances.

**Curfew-Style Sound Limits:** Sound thresholds decrease during nighttime hours to further protect residential peace, particularly to safeguard school age children with support from the Florida Department of Education.

**3. Legal Framework for Implementing a Peace Bond in Florida:** A peace bond is a legal mechanism requiring individuals who have demonstrated a propensity to disturb the peace or chronic failure to comply. These individual property owners must post a financial guarantee to ensure future compliance with the law. While not explicitly termed “peace bond” in Florida statutes, similar provisions exist under the Florida Statute 901.29, which

allows for the imposition of conditions to ensure a person's appearance in court and compliance with the law.

### Key Considerations:

#### Legal Authority:

Municipalities have the authority to enact ordinances that protect the health, safety and welfare of their residents, including measures to prevent disturbances of the peace. This is evident in our current ordinance 21-14 which states:

“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 noises disturbance, as defined in this article within the limits of the city”. We clearly have the will to protect our citizens, we need to focus on enforcement and deterrent penalties.

**Mandatory Peace Bond for Repeat Offenders:** After two violations within a 12-month period, require the property owner to post a peace bond of \$10,000 to be held for a specified period. Breach of this bond would result in forfeiture and additional penalties.

**Priority Response to Complaints:** Mandate that all noise complaints are treated as high priority calls by law enforcement and code enforcement, ensuring prompt response and resolution so that escalating penalties will be unnecessary. Nowhere in our code or state statutes have I found any requirement for a warning from a police officer when confronted with a violation of the law, this arena should be no different. If a code enforcement officer is required to issue a warning, it must be in writing and only one per calendar year issued to any property that is reported.

## 5. Conclusion:

To preserve the quality of life for our residents and address the ongoing issues caused by noise disturbances, it is imperative that Marco Island adopt a reasonable and effective noise ordinance. By learning from the successful models implemented in other Florida municipalities and ensuring our approach aligns with legal standards, we can create a safer and more cohesive community for all. It is my goal to see that all our residents show respect for their neighbors quiet enjoyment. It is our duty to respect and support our residents' desire for safe and peaceful neighborhoods.

Respectfully Submitted,  
Stephen Gray

For review June 2, 2025