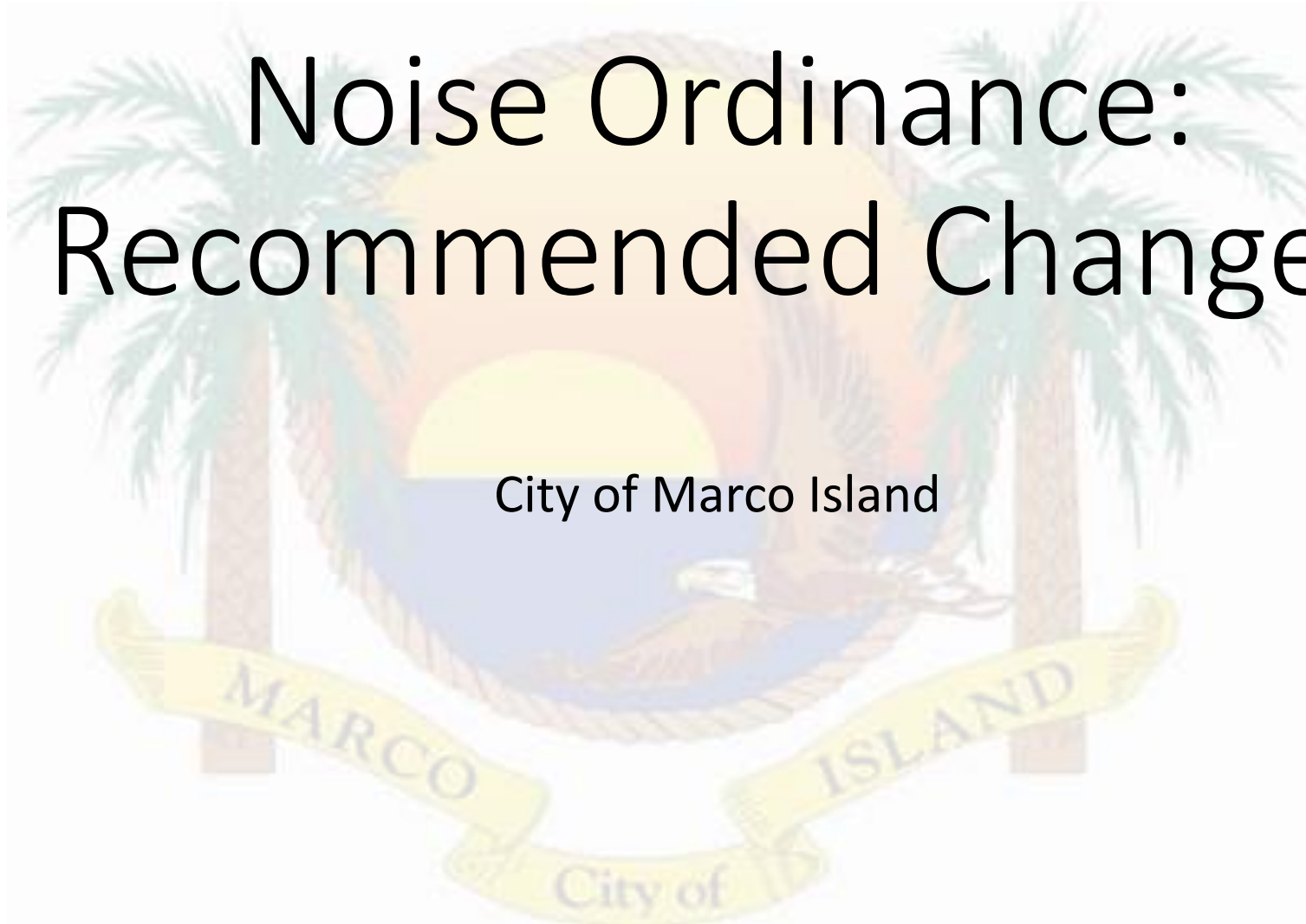


Noise Ordinance: Recommended Changes

City of Marco Island

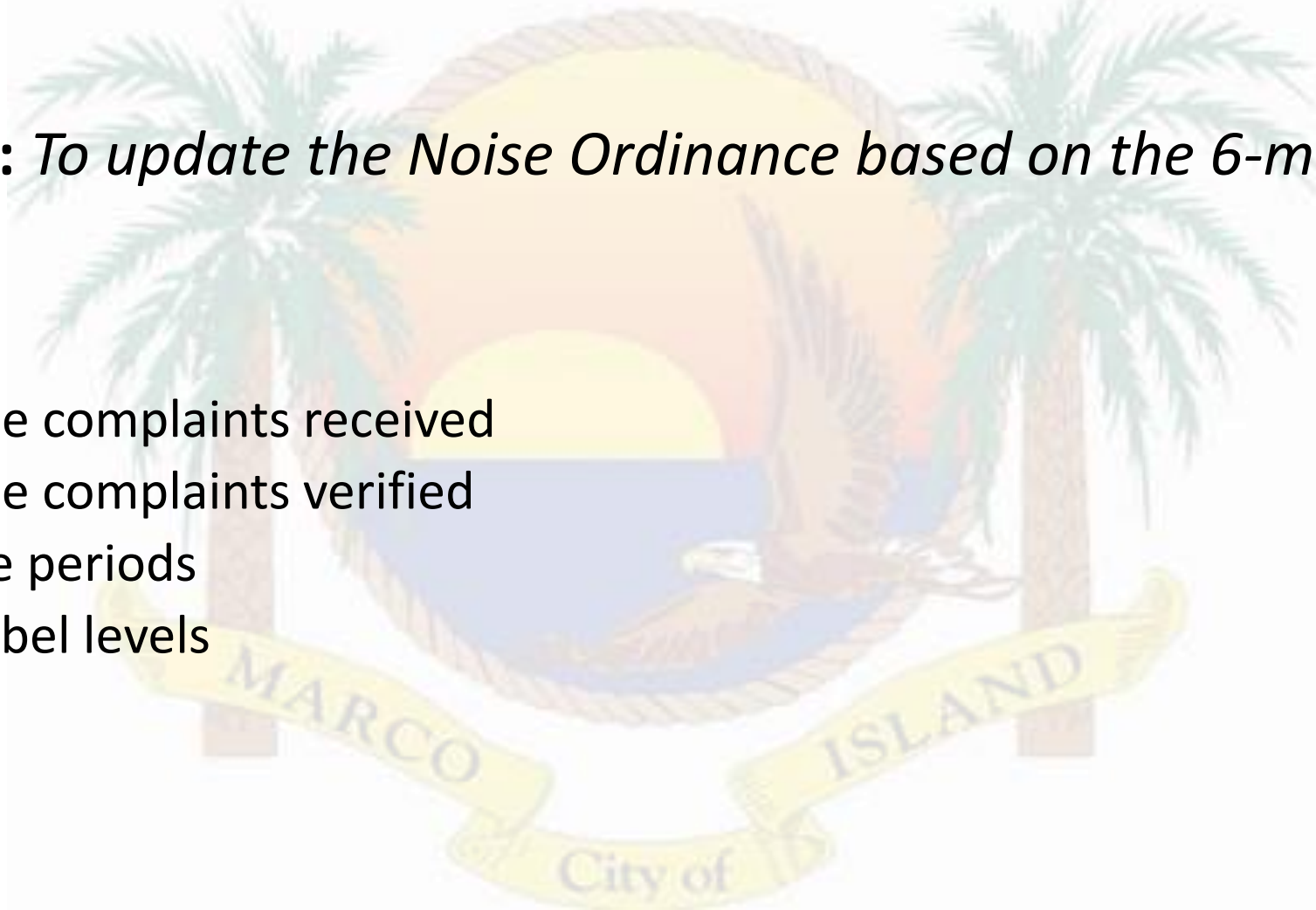


Noise Ordinance: Recommended Changes

Purpose: *To update the Noise Ordinance based on the 6-month review*

Agenda

- Noise complaints received
- Noise complaints verified
- Time periods
- Decibel levels



Recap of Noise Ordinance 20-05

Objective: *To create a fair, reasonable, constitutional, and enforceable ordinance for the City of Marco Island*

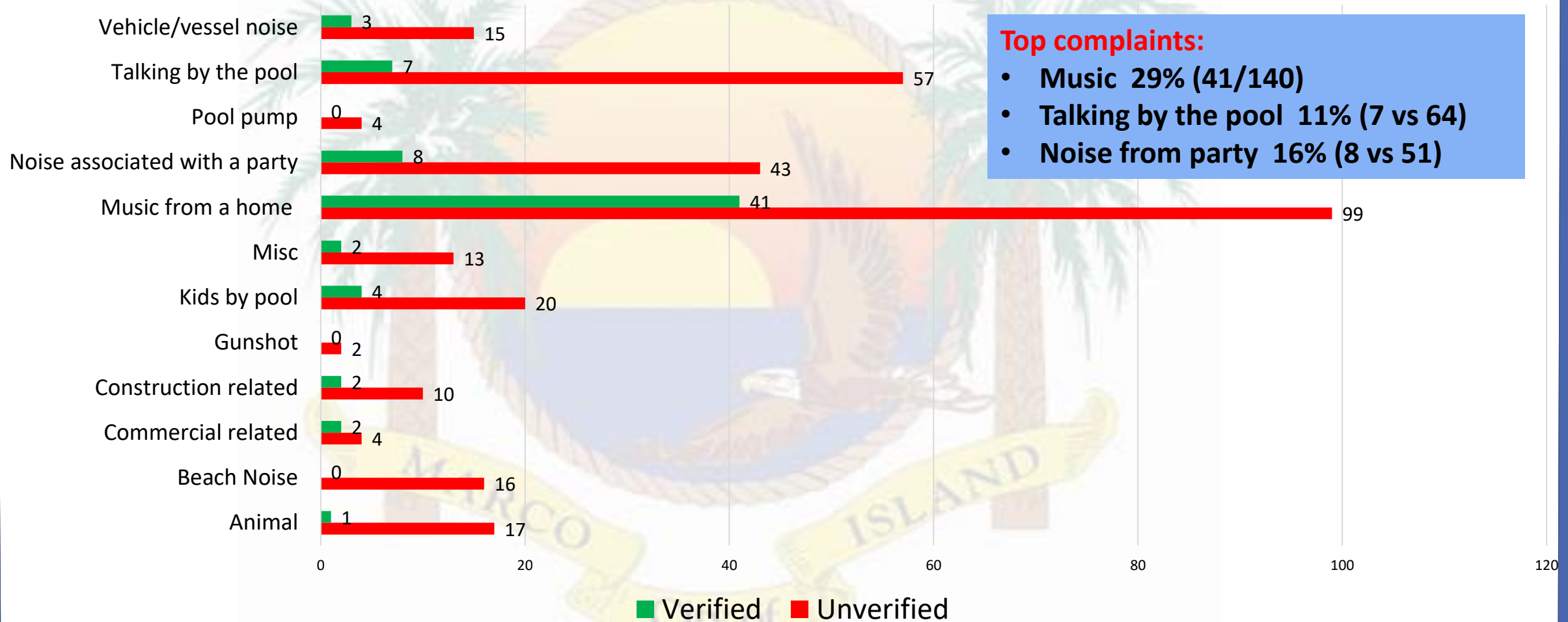
Policy decisions voted on last October 2020

- Time of day
- How far away (distance from source)
- Decibels vs. non-decibels (how loud is too loud)
- Enforcement / Penalties

Statistics regarding Noise Ordinance 20-05

- Noise Calls
 - 374 reported complaints, 70 verified for 18% violation rate
 - Average 61 reported complaints a month with 5 being verified
 - Unique addresses during this period – 55 houses
 - Repeat addresses during this period – 15 houses
- Caller Data
 - 374 calls received, 216 unique callers, 109 repeat callers, and 49 anonymous
 - 1 phone number called 17 times on 3 different addresses with 1 verified complaint (6%)
 - 2 phone numbers called 9 times each with 2 (22%) and 4 (44%) verified complaints
- Time of Day
 - 7pm-8pm: 16 calls with 4 verified
 - 8pm-9pm: 21 calls with 10 verified (Plainly Audible starts)
 - 9pm-10pm: 24 calls with 10 verified

Types of Noise Calls: Verified vs Unverified



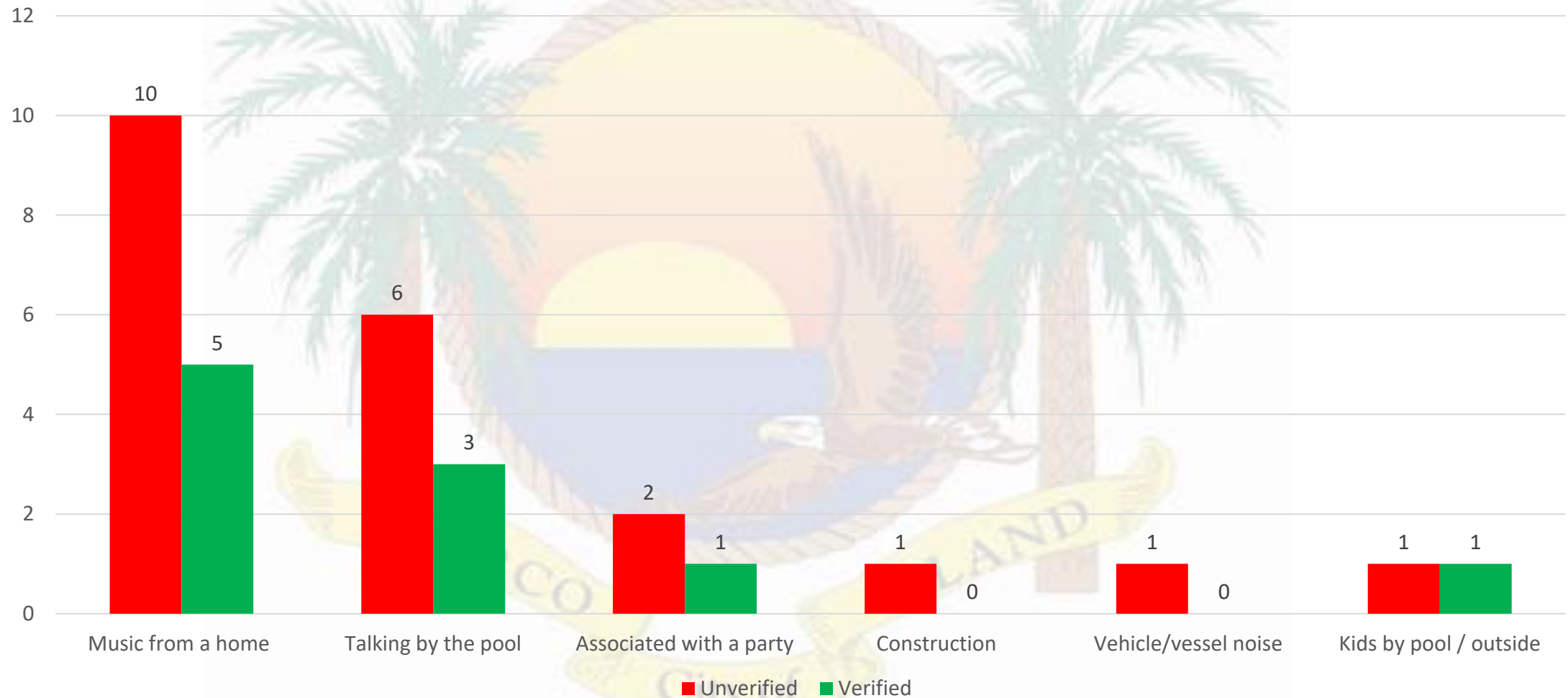
“Plainly Audible” Standards

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.

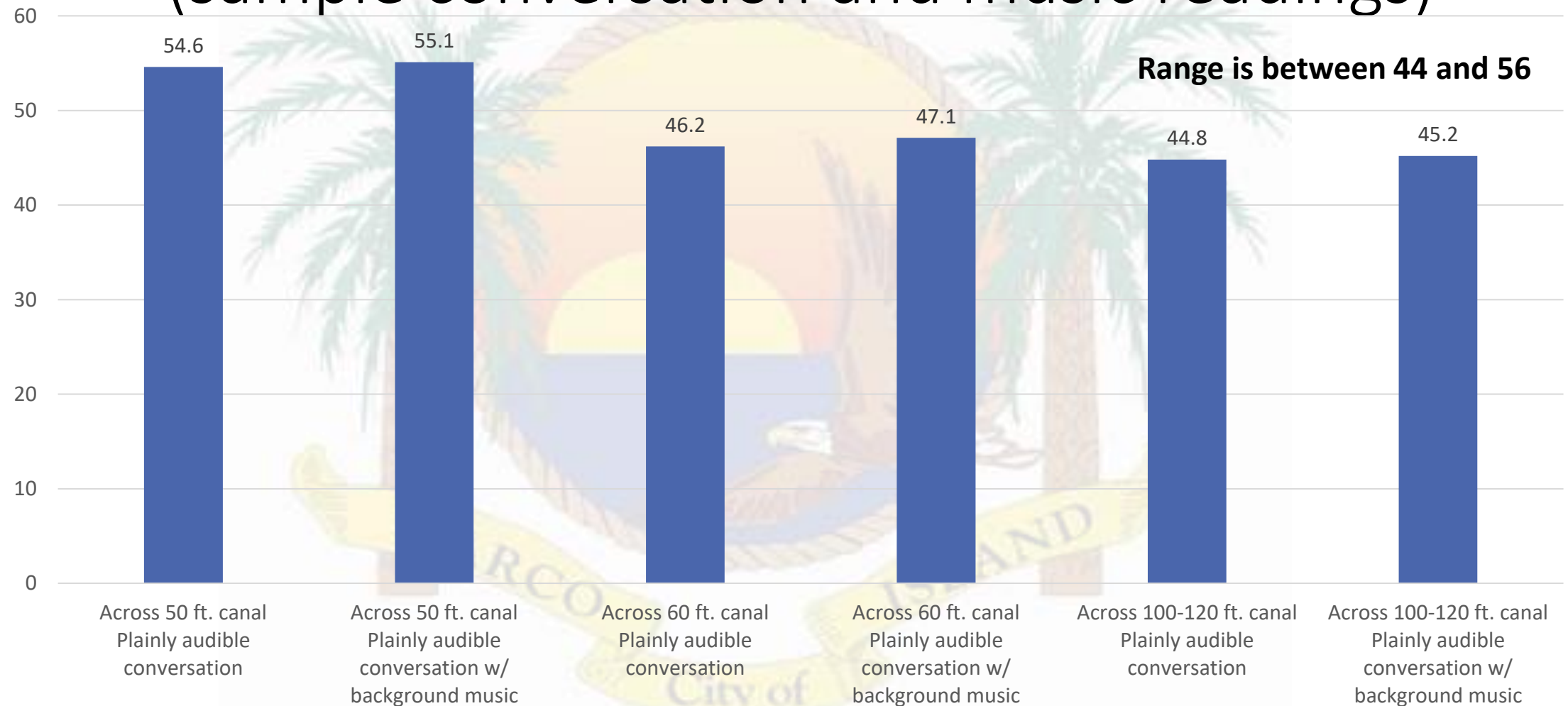
Plainly Audible standard is in effect:

- Between the hours of 8pm and 7am
- 50 feet from the property line of the source of the sound **OR** within a fully enclosed structure or residence on any receiving property.

Call Types from 8pm to 9pm (Plainly Audible)



Decibel readings of plainly audible (sample conversation and music readings)



Other Decibel Readings on Marco Island

LOCATION	DATE (1st)	DATE (2nd)		NOTES
	READING (3-17-21)	READING	(4-21-21)	
	DAY	DAY	NIGHT	
MIFD - NO TRUCK	74.5	53.9 - NO TRUCK	51.2 - NO ACTIVITY	IDLING FIRE TRUCK
YMCA	71.2	78.8	48.6 - NO ACTIVITY	BASKETBALL COURT KIDS PLAYING 75 FT AWAY
WINTERBERRY PARK	72.6	63.6	56.2 - VEHICLE TRAFFIC - NO CROWD	SOFTBALL GAME - SMALL CROWD
DUNKIN DONUTS N. COLLIER	83.8	73.7	49.5 - NO ACTIVITY	LIGHT CONSTRUCTION
INDOOR CONVERSATION - MIPD	71.2	74	61.4	NORMAL INDOOR CONVERSATION
YELLOWBIRD ST.	107.3	87.1	-	PAVING ROADWAY EQUIPMENT
OUTDOOR CONVERSATION	78.2	-	65.9	NORMAL CONVERSATION - 3FT
ORANGE CT - NO TRUCK	81.1	56.5	-	DUMPSTER TRUCK
PUBLIX	79.7	48.8	59.7 - PARKING LOT	IDLING FRIG TRUCK - 15FT
PUBLIX	89.8	67.8	65.4 - LIGHT MACHINE CONSTRUCTION	SAW CUTTING - CONSTRUCTION SITE
TIGERTAIL	88.2	90.1	-	PILE DRIVING - NEW BUILD
MIPD - NO BLOWER	81.5	53.9 - NO BLOWER	50.2 - NO ACTIVITY	LANDSCAPE BLOWER
YMCA	56.4	63.6	49.5 - NO ACTIVITY	SWIM POOL - LITTLE CROWD
MACKLE PARK	46.8	60.4	43.6 - NO ACTIVITY	SOCCER FIELD (EMPTY)
SANDHILL	64.4	-	-	50' FROM BARKING DOG
CAXAMBAS BOAT RAMP	57.5	66.4	44.3 - LIGHT ACTIVITY	NORMAL ACTIVITY - WATER ACCESS
ORANGE CT. - CUL DE SAC	45.4	62.7	44.8 - ON WATER	ORANGE CT - WATER FRONT
ROSE MARINA	51.8	52.1	52.7 - LIGHT ACTIVITY ON WATER	WATER FRONT - LITE ACTIVITY
MIPD CODE ROOM	37.8	35.6	37.7	NO CONVERSATION
FARMERS MARKET @ VET PARK	57.8	51	51.1 - NO ACTIVITY	WALK THROUGH HEAVY CROWD

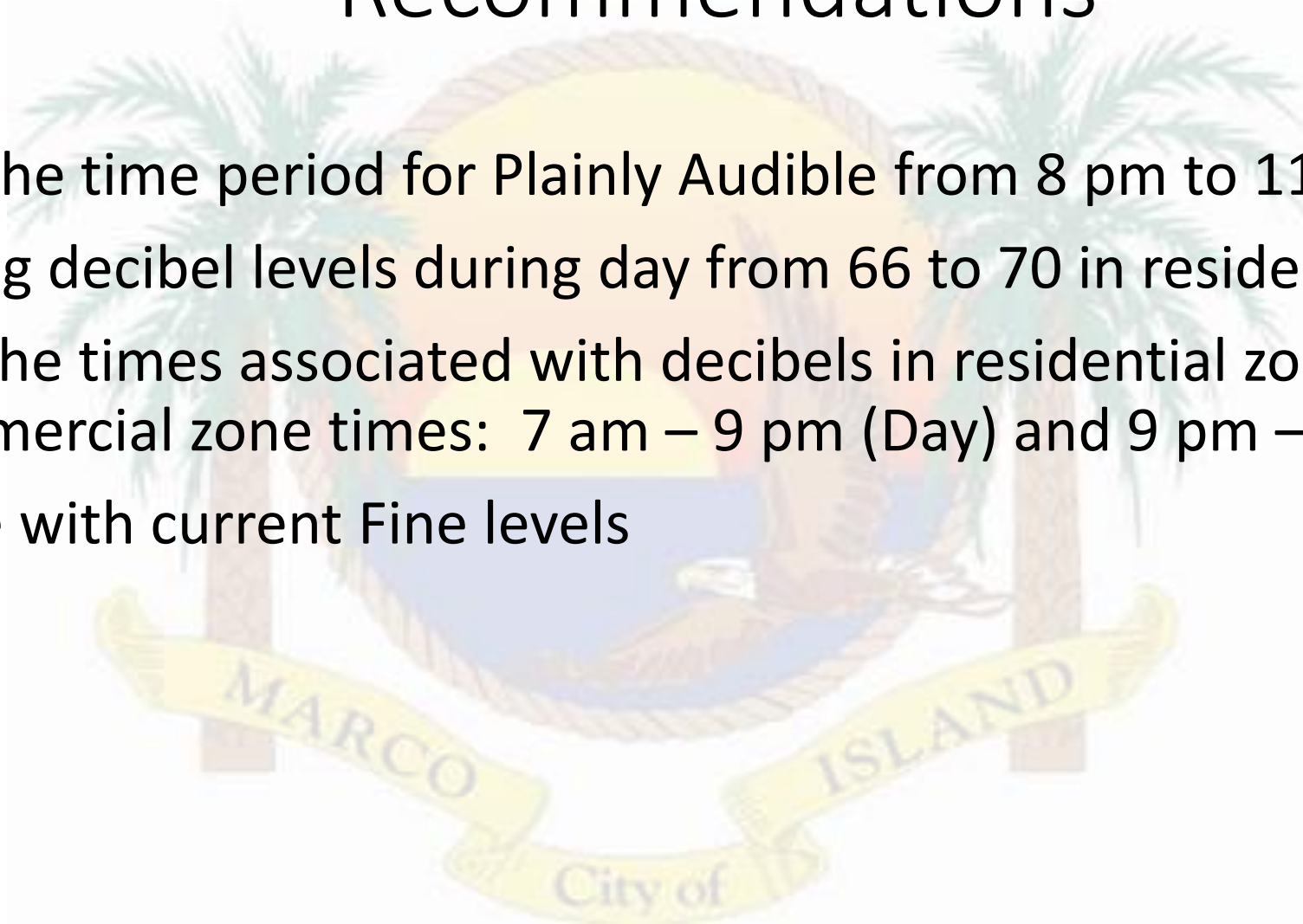
Inconsistencies between Plainly Audible and Sound Pressure (Decibel) Level Limits for Marco Island

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

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.

Recommendations

- Moving the time period for Plainly Audible from 8 pm to 11 pm
- Increasing decibel levels during day from 66 to 70 in residential
- Change the times associated with decibels in residential zones to match the commercial zone times: 7 am – 9 pm (Day) and 9 pm – 7 am (night)
- Continue with current Fine levels



Current Enforcement and Penalties

Noise maker (if different from owner of residence)

- Civil Citation - \$250 fine

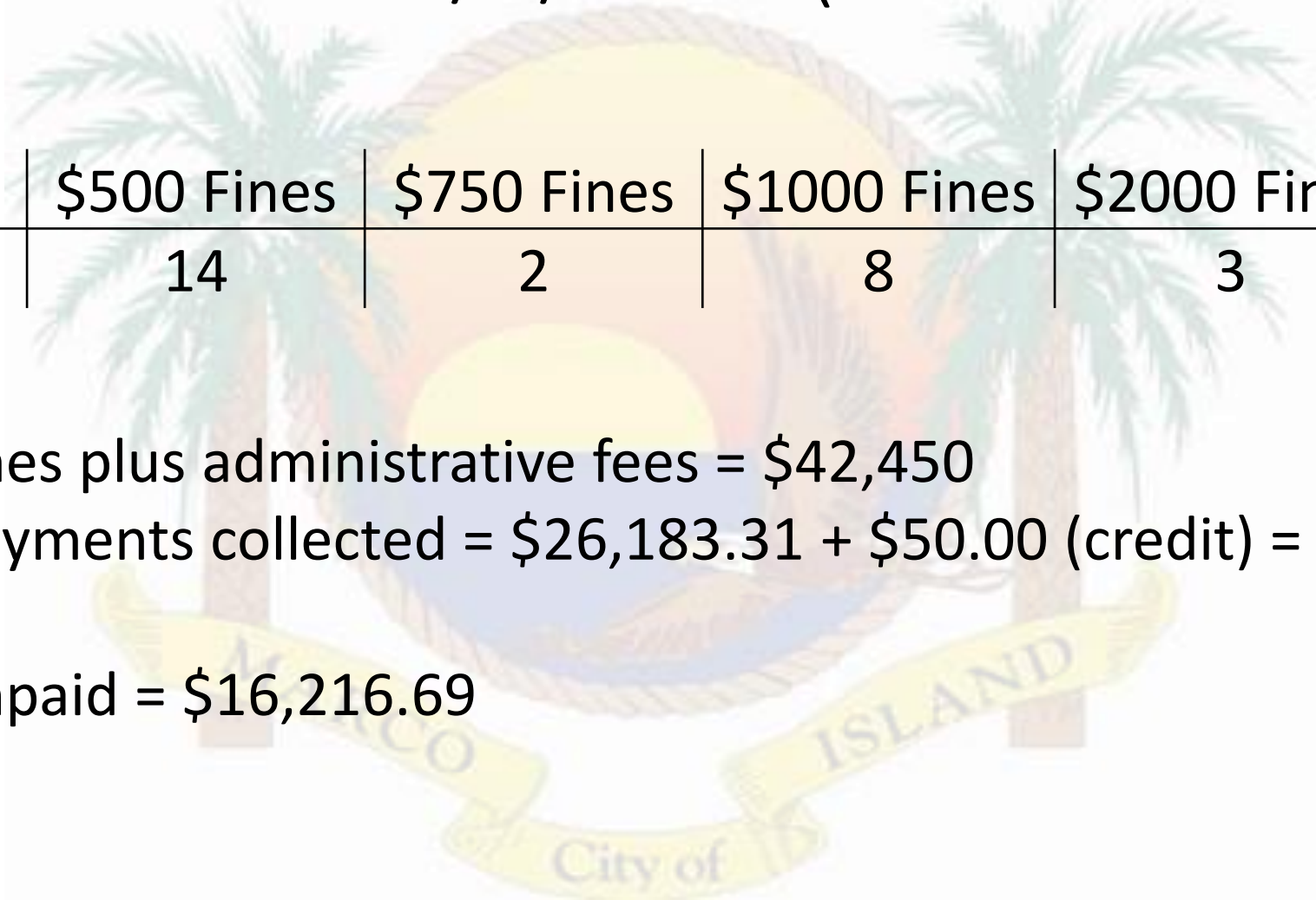
Homeowner

- Notice of Violation – warning, \$250, \$500, \$1000, \$2000, \$4000, \$5000

Notes:

- No Warnings are issued after 11pm (between 11pm-7am): automatic fine. Each subsequent call in the next 48 hours, the fine goes up based on magistrate. Fines escalate during a rolling 12-month period.

Fines since 10/5/2020 (Ordinance 20-05)



\$250 Fines	\$500 Fines	\$750 Fines	\$1000 Fines	\$2000 Fines	\$4000 Fines
43	14	2	8	3	1

Total fines plus administrative fees = \$42,450

Total payments collected = \$26,183.31 + \$50.00 (credit) = \$26,233.31

Total unpaid = \$16,216.69