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## Collier, Naples governments sound off on what constitutes noise

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NAPLES — Exactly what is an acceptable level of noise?

Pretty much anyone can tell you when bar band music eliminates the possibility of conversation.

But what if you listen to CNN all night on your television? You can't hear it from outside your front door or from your rear patio, but your condo neighbor hears it through the shared bedroom wall. Is that excessive? And who is to blame? The contractor who constructed thin walls, the condo owner, the condo renter?

How does the sound of a TV set compare, for instance, to a well-functioning air conditioner set on auto, that clicks on and off all night?

"It's both subjective and what you get used to," Collier County Attorney Jeff Klatzkow said of noise, which local government agencies are grappling with in their ordinances.

Klatzkow grew up in New York City.

"Some people live across elevated trains in NYC and do just fine. Other people in the country whine about crickets keeping them up all night. Me, I just put a pillow over my head and I sleep just fine."

Fort Lauderdale attorney Donna Berger, managing partner of Katzman Garfinkel Rosenbaum, a firm that represents more than 1,000 condo and homeowners associations statewide, said noise is a frequent complaint among clients.

She defined noise this way: "When it has risen to the level of a general nuisance."

Clearly, it is subjective, and some people are ultrasensitive to noise, Berger said.

Nancy Lewis, an audiologist at Gulf Hearing Aid Center in Naples, said the most frequent complaint she hears from people is, "I can hear you talking, but can't understand what you're saying."

However, asked at what level most people speak, Lewis admitted that it varies from person to person.

As a result of the Stevie Tomato debacle -- a North Naples bar that is now in litigation over complaints from nearby residents -- Collier County leaders amended their outside dining or "noise" ordinance. City of Naples officials quickly followed, passing a new ordinance Wednesday.

Naples officials provided octave band levels that are fairly liberal, rather than decibel comparison charts.

Naples City Manager Bill Moss said staff recommended that the city move away from “absolute reliance” on noise measurement with a sound level meter, and proposed determinations by law enforcement officers.

Naples changed the terms dawn and dusk to specific times. The city now will permit an additional five decibels to both residential and non-residential locations.

“The more significant amendment is to recognize that noise does not have to be measured by a sound level meter to constitute a violation of the ordinance, as is currently required,” Moss wrote. “The production of noise, from whatever the source, is a violation.”

It can be measured by a noise level meter, or it can be a breach of the peace, or a public nuisance as determined by a law or code enforcement officer.

But what is that perfect level of conversation, television sound and music blaring?

For instance, one Web chart from an audio company lists a whisper in a library as 30 decibels, normal conversation at between 60 and 70 decibels from five feet away, a train whistle at 90 decibels from 500 feet away and a power saw at 110 decibels from three feet away.

Naples’ new daytime decibel average for a residential site is 60; at night it is 55. Daytime is defined as from 7 a.m. to 10 p.m.; night is from 10 p.m. to 7 a.m. The numbers are only slightly higher for non-residential locations.

Even professional organizations find noise difficult to define.

That’s the opinion of the American Speech Language Hearing Association. The organization is the professional, scientific, and credentialing association for more than 130,000 members and affiliates who are audiologists, speech-language pathologists, and speech, language, and hearing scientists. It differentiates between “sound” and “noise,” by noting that noise is unwanted sound.

While Collier County’s new laws have been in effect for a couple of months, there weren’t any citations issued prior to Feb. 5, spokesman John Torre said recently.