



## COLLIER COUNTY GOVERNMENT

COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION

RECEIVED  
DEC 12 2000

December 8, 2000

Code Enforcement Department  
2800 North Horseshoe Drive  
Naples, FL 34104

James P. Ward, Deputy Director  
Collier County Government  
Pelican Bay Services Division of MSTU  
801 Laurel Oak Drive Suite 605  
Naples, Florida 34108

Re: Letter, dated October 31, 2000, from Dr. Robert J. Swart, President of BoMar Development Corporation.

Dear Mr. Ward,

I received a copy of the letter from Dr. Robert Swart expressing his concerns that the U.S. 41 expansion may be a violation to Collier County's Noise Ordinance. Because my Department is responsible for enforcing that Ordinance, I feel obligated to respond to his concerns.

Please be advised that I reviewed the April 1993 Noise Study Report prepared by Greiner, Inc. for the Florida Department of Transportation. My position is that the County's noise ordinance does not apply to sound generated by traffic utilizing our roadways.

The County's Noise Ordinance exempts certain uses and activities from regulation of the ordinance. Such uses/activities include, but are not limited to, motor vehicle noise. The statute establishes standards for the Environmental Protection Agency's utilization for testing or inspecting vehicles which is not intended to apply to noise standards regulated by local government.

The sounds referred to in Mr. Swart's letter are exempt from regulation by the County's Noise Ordinance. Traffic noise is considered ambient (or background noise) and is only measured as a comparison to sound generated from uses that are regulated by the ordinance to assess the noise level above the ambient noise. Sirens, alarms and horns emanating from emergency vehicles are also exempt from the Ordinance, primarily because of the emergency/safety nature of the vehicle and they are intended to be loud so that they can be heard by other motorists to clear a safe path for their passage to the emergency at hand.

I spoke to Mr. Swart on December 4, 2000 and advised him of the same. At his request we will be conducting an octave band reading of the traffic noise generated by vehicles traveling on U.S. 41 in January 2001. I will pass that information on to you when it becomes available.

Should you have any questions or need my assistance, please contact me at (941) 403-2440.

Respectfully,

Michelle Edwards Arnold  
Code Enforcement Director

cc: Dr. Robert J. Swart, President