

Division 4 – Noise Regulation of Motor Vehicles

Sec. 24-351 Legislative findings and intent

A. The City Council finds that excessive and unnecessary noise within the community endangers the health, safety, welfare, and peace of residents and visitors, and interferes with the quiet enjoyment of property, public rest, and business activity.

B. The City Council further finds that certain vehicle operations, equipment modifications, and patterns of driving produce noise that is avoidable, unreasonable, or disruptive to the public peace, particularly in residential areas and during nighttime hours.

C. The City Council recognizes that motor-vehicle noise is already subject to state regulation under Title 61, Chapter 9, Parts 4 and 5, Montana Code Annotated, and that this chapter is intended to supplement and not conflict with those provisions by providing local standards for the prevention of unnecessary or unreasonable noise within City limits.

D. This chapter is intended to:

1. Establish time, place, and manner restrictions that are content-neutral and reasonable under the First Amendment to the United States Constitution and Article II, Section 7 of the Montana Constitution;
2. Provide clear notice to vehicle operators regarding conduct that may disturb the peace or create a public nuisance; and
3. Enable effective enforcement consistent with the City's police powers granted under § 7-1-4123, MCA.

E. It is the policy of the City that the generation of noise in a manner that unreasonably disturbs the public peace is a matter of local concern, and that this chapter be liberally construed to effectuate its remedial and protective purposes.

Sec. 24-352 Purpose and intent

The purpose of this chapter is to promote the public peace, health, and welfare of the residents, public, and businesses in the City of Billings by preventing excessive and unnecessary noise from motor vehicles, while recognizing that certain noise is unavoidable.

This chapter is intended to be consistent with state law, including §§ 61-9-403, 61-9-418, and 61-9-435, Montana Code Annotated (MCA).

Sec. 24-353 Authority

This chapter is adopted under the authority granted to municipalities by § 7-1-4123, MCA, and other applicable provisions of Montana law, including § 61-12-101, MCA.

Sec. 24-354 Definitions

A. *Motor vehicle*. Means a vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of Billings. The term includes any moped, power driven bicycle, motorcycle, motor scooter, automobile, truck or other vehicle propelled by a motor of any kind. It does not include a bicycle that does not have a motor.

B. *Plainly audible*. Means any sound that can be clearly heard, including bass reverberation, by a person of ordinary hearing without the use of a sound-level meter.

C. *Unreasonable noise*. Means any sound produced by a motor vehicle that:

1. Is plainly audible at a distance of seventy-five (75) feet or more from the vehicle between the hours of 10:00 p.m. and 7:00 a.m. in a residential district; or
2. Would disturb, or tend to disturb, the peace and quiet of a person of ordinary sensibilities under the circumstances then existing, considering the factors set forth in Sec. 24-356.

Sec. 24-355 Unreasonable vehicle noise prohibited

A. It is unlawful for any person to operate, or cause to be operated, a motor vehicle that produces unreasonable noise as defined in this chapter.

B. It is unlawful to operate a motor vehicle:

1. With a muffler, exhaust, or noise-suppression device that violates §§ 61-9-403, 61-9-418, or 61-9-435, MCA; or
2. With any device, modification, or equipment designed or used to increase noise output beyond the vehicle's original manufacturer specifications, except as permitted by state law.

Sec. 24-356 Determining factors

In determining whether a vehicle is operated in a manner that produces unreasonable noise, the enforcing officer may consider, among other relevant circumstances:

A. The time of day the vehicle is operated;

B. The location of operation, including zoning classification and proximity to dwellings, schools, hospitals, or places of assembly;

C. The presence of pedestrians, bystanders, or other vehicles in the vicinity;

D. The manner of operation, including unnecessary or rapid acceleration or deceleration, abrupt steering or turning, racing, revving the engine, or tire squealing;

E. The condition or modification of equipment, including operation with a missing, defective, or modified exhaust or muffler, or any other equipment alteration that increases noise output; and

F. Any other relevant factor that would lead a reasonable person to conclude that the noise was excessive or unnecessary under the circumstances.

Sec. 24-357 Exemptions

This chapter shall not apply to:

A. Authorized emergency vehicles operating with emergency equipment;

B. A system being operated on a vehicle of a gas, electric, communications or water utility company or governmental entity;

C. Vehicles participating in parades, authorized events, or public functions permitted by the City;

D. A system permitted by the Billings City Council or the Billings Police Department; or

E. Construction, maintenance, or agricultural equipment operating within lawful hours and in compliance with applicable law.

Sec. 24-358 Enforcement and penalty

A. An officer may issue a citation based on personal observation or other admissible evidence that the vehicle produced unreasonable noise.

B. Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.

Sec. 24-359 Severability

If any provision of this chapter is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.