

ORDINANCE 26-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THAT THE BILLINGS, MONTANA CITY
CODE (BMCC) BE AMENDED BY REVISING SECTIONS
24-351 through 24-359

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. That Section 24-351 through 24-359 of the Billings, Montana City Code (BMCC) is amended and renumbered so that such section shall read as follows:

DIVISION 4. - ~~PROHIBITED OPERATION OF LOUD SOUND AMPLIFICATION SYSTEMS IN MOTOR VEHICLES~~ NOISE REGULATION OF MOTOR VEHICLES

Sec. 24-351. - ~~Definitions.~~ Legislative findings and intent.

In this division the following terms mean:

~~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.~~

~~Plainly audible means any sound produced by a sound amplification system from within a motor vehicle, which can be clearly heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernable and bass reverberations are included.~~

~~Sound amplification system means any device, instrument or system, whether electrical, mechanical or otherwise, for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, phonograph, tape player, compact disc player, boom box, loud speaker or sound or musical recorder or player, or other electronic device used for the amplification of noise.~~

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. - Loud sound amplification systems prohibited. Purpose and intent.~~

~~No driver or occupant of a motor vehicle on any public or private property shall operate or permit the operation of a sound amplification system from within a motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the motor vehicle.~~

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. - Exemptions. Authority.~~

- ~~(a) A system being operated to request assistance of an emergency nature or to warn of a hazardous situation;~~
- ~~(b) A system being operated on a vehicle of a gas, electric, communications or water utility company or governmental entity; or~~
- ~~(c) A system permitted by the Billings city council or the Billings police department; or~~

~~(d) An authorized emergency vehicle; or~~

~~(e) Audio alarm systems installed in vehicles.~~

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. - ~~Reserved.~~ 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.*

Unreasonable noise means any sound produced by a motor vehicle that is plainly audible at a distance of fifty (50) feet or more from the vehicle, including but not limited to amplified music, exhaust noise, engine revving, or tire squealing, as determined by a law enforcement officer using unaided hearing.

Sec. 24-355. - ~~Penalties.~~ Unreasonable vehicle noise prohibited.

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

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 posted quiet zones, 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. When a law enforcement officer has probable cause to believe that a motor vehicle produced unreasonable noise in violation of this article and the operator of the vehicle cannot be identified at the time of the violation, the registered owner of the vehicle shall be presumed responsible for the violation and may be issued a citation. This presumption may be rebutted by evidence that the registered owner was not operating the vehicle at the time of the violation.

The registered owner shall not be held responsible if the owner provides credible evidence that the vehicle was stolen, leased, or otherwise lawfully operated by another person at the time of the violation.

B. C. Violation of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304. Notwithstanding Section 18-1304, a person found in violation shall be subject to a civil penalty of \$300 for a first violation and \$500 for each subsequent violation occurring within a 24-month period.

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.

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the 23rd day of March, 2026.

PASSED, ADOPTED and APPROVED on second reading this 13th day of April, 2026.

CITY OF BILLINGS

BY: _____
Mike Nelson, Mayor

Attest:

BY: _____
Denise R. Bohlman, City Clerk