

Noise Ordinance Amendments

Presented to City of Billings
Mayor and City Council
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Noise Ordinance Review

Introduction

- Council Initiative by CM McFadden to review/revise noise ordinances to address citizen complaints/issues
- City Administrator created internal committee of staff from Public Works, Police, Legal and Administration
- Several meetings to discuss/review/draft changes
- Draft presented to DPARB February 2017 and sent to Yell. Co, Tavern Assoc. early Sept 2017 for comment

Noise Ordinance Compliance

General Rule: Comply With Decibel and Time of Day Limits at Section 17-103:

| Districts | 7:00 a.m. – 8:00 p.m. | 8:00 p.m. – 7:00 a.m. |
|------------------|-----------------------|-----------------------|
| Residential | 65 dB(A) | 55 dB(A) |
| Light Commercial | 80 dB(A) | 60 dB(A) |
| Heavy Commercial | 85 dB(A) | 70 dB(A) |
| Industrial | 90 dB(A) | 80 dB(A) |

Noise Ordinance Waivers/Criteria

Waivers From General Rule/Criteria: Section 17-107(b)

- Danger to public health/safety/welfare? Benefit?
- Time of day
- Duration/loudness (compared to decibel limits continuous or intermittent distance from residential/other noise-sensitive areas)
- In or outside of CBD or EBURD?
- Other reasonably related factors

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Exemptions From General Rule

Some Permanent Exemptions (BMCC 17-105) :

- Official emergencies-EMS/Fire/Police
- Public Safety signals-RR Xing
- Lawnmowers (7 am-8 pm)
- Construction (7 am-8 pm)
- School/PRPL permitted events-athletic/
musical, etc
- Noise for which a waiver has been granted

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Construction Waivers

Public Works Review of Construction Waiver Requests

- Waiver requests for construction IF in public ROW/If private property BPD or Bldg Division Reviews
- **If in public ROW:**
 - assess impact on location/work to be done
 - assess traffic/water/gnrl public needs
- **If Commercial/Industrial Zone**-usually granted
- **Complaints:**
 - Night-go to BPD
 - Day-go to Public Works
 - PW reviews complaint-may rescind or allow noise/notifies complainant

Noise Ordinance Event Waivers

Police Department Review

- Reviews/grants or denies waiver requests for outdoor events-may extend time for event to conclude
- Investigates noise complaints/use sound level meter/compare meter reading to noise level limits in Sec. 17-103(b)
- If noise exceeds decibel limit/time of day restrictions in table of Sec.17-103(b)-usually initially warn/consult with person to prevent future violation

Noise Ordinance Proposed Amendments

Major Recommended Changes

- Simplified definitions of Residential, Commercial and Industrial zones for noise ord. purposes (BMCC 17-101 and 17-103)
- Added **new** Section 17-104 providing specific ending times for outdoor events:
 - Inside CBD: 10 pm Sun-Thur, 11 pm Fri/Sat
 - Outside CBD: 9 pm Sun-Thur, 10 pm Fri/Sat

Noise Ordinance Proposed Amendments

Recommended Changes (cont.)

Exemptions: BMCC 17-105

- Revised/clarified school events and athletic/musical/other events permitted by PRPL

Waivers: BMCC 17-107

- Only four allowed in a 12 month period for outdoor events.
- CBD/EBURD exempt from this limit

Noise Ordinance Proposed Amendments

Recommended Changes (cont.)

Appeal Process: BMCC 17-107 (c)

- Revised to provide more specific deadline
- Applicant must appeal denial at least 30 days before event occurs and appeal placed on next available Council Regular agenda for review

Penalty for Violation: BMCC 17-108

- Municipal Infraction-fine/abatement imposed by Muni Ct Judge

Noise Ordinance Proposed Amendments

Conclusion

- Revisions based on concerns from CI by CM McFadden
- Revisions are attempt to achieve/maintain balance of often competing interests
- Council may make further amendments as deemed appropriate

QUESTIONS ?