

ADMINISTRATIVE ORDER NO. 125

Pursuant to this Administrative Order, and the authority granted to the City Administrator in Ordinance 13-5603 and B.M.C.C. Sec. 17-106, I hereby establish the following noise waiver application procedures and fees.

Any person wishing to obtain a waiver from the noise ordinance limits in the Billings Municipal Code shall fill out an application and submit it to the City. For construction activities on private property, the waiver request will be reviewed by the Building Department. For special events or construction activities in the public right-of-way, the waiver request will be reviewed by City Engineering. For events in public parks, the waiver request will be reviewed by the Parks Department. Any other event will be reviewed by the Police Department. The reviewing department will approve or deny the waiver request and may grant conditional approval based on certain requirements in the discretion of the reviewing department. Applications must be submitted at least five (5) business days before the contemplated event or activity. If an application is submitted less than five (5) days before the event or activity, the City cannot guarantee timely review of the application.

The reviewing department shall consider the following criteria when reviewing a noise waiver application.

- (a) Whether the noise would endanger the public health, safety, or welfare;
- (b) That compliance with the applicable noise level limits from which a waiver is sought would cause serious hardship without producing equal or greater benefit to the public;
- (c) The time of day the noise will occur;
- (d) The duration of the noise;
- (e) The loudness of the noise relative to the maximum permissible sound levels set forth in the Billings Municipal Code;
- (f) Whether the noise is continuous or intermittent;
- (g) The distance of proposed activity from residential housing or other noise-sensitive properties;
- (h) Whether the proposed activity is within the Central Business District, and whether the proposed activity encourages the promotion of entertainment and nightlife in an area where residential housing is sparse; and
- (i) Any other factor that is reasonably related to the impact of the proposed noise on the health, safety and welfare of the community, the degree of hardship that

may result from the enforcement of the applicable provisions of the Municipal Code, and the benefit to the public of granting such a waiver.

For events or activities where a use or permit fee is already required (ROW Permits, Building Permits, Park Use Permits) no application fee is required. For events or activities where no use or permit fee is otherwise required, the applicant shall pay a \$20 application fee to the City. For events or activities where the City is partnering with another entity, the application fee may be waived in the discretion of the reviewing department.

Any noise waiver application may be granted or denied by the City of Billings. Any applicant denied a waiver by the City of Billings may appeal the denial to the City Council within five (5) days of the denial by filing a written notice of appeal for hearing with the City Clerk. The City Clerk will cause the matter to be placed on the City Council agenda for hearing at the next available City Council meeting. The City Council may reverse, affirm, or modify in any regard the denial of the waiver.

Dated this 3rd day of July, 2013.



Christina F. Volek, City Administrator



Application for Waiver from Noise Ordinance Limits

Billings Montana Municipal Code Sec. 17-106

Name: _____ Address: _____ Phone: _____

Agency or Company: _____ Date of Event/Activity: _____

Location of Event/Activity: _____

Name and Contact # for Person On Location During Event: _____

Event/Activity Start Time: _____ Finish Time: _____

Description of Event/Activity: Please describe in detail the proposed activity and note any amplified or live music planned: _____

Please check any of the following if applicable:

☐ **Event in ROW (Street)**

Engineering

☐ **Event in Public Park**

Parks

☐ **Construction (Private)**

Building

☐ **Construction (ROW)**

Engineering

☐ **Private Property Event**

Police

I acknowledge under penalty of law that the information contained in this Waiver Application is true and correct to the best of my knowledge. I understand that applying for a Waiver does not grant me an exemption from the noise ordinance unless the waiver is granted by the City. I understand that if granted, this Waiver may be voided immediately if this application contains any inaccurate information, or if the event or activity exceeds the scope or duration specified above. I understand that even if granted, this Waiver can be revoked at any time by law enforcement if the event or activity is deemed to be disturbing the peace of the surrounding neighborhood. I understand this Waiver must be kept at the location of the event or activity and displayed to law enforcement upon demand. I agree to abide by any conditions or restrictions required by the City. I acknowledge that this permit relates only to the noise ordinances, and that I may need additional permits from the City for Open Container and/or Alcohol Catering if the contemplated event includes alcohol use or sale.

Signature of Waiver applicant

Date

.....
(City Use Only)

This Noise Waiver Request is ☐ **GRANTED**

☐ **DENIED**

Name

Department

Date

☐ Additional Conditions/Requirements _____

Noise Ordinances and Waiver Policies

In May of 2013, the City Council amended multiple provisions of the Billings Municipal Code concerning Noise. The entire text of Ordinance 13-5603 can be accessed here. (Link) This ordinance modified acceptable noise level (decibel) limits in different zoning areas, and set specific daytime (7:00 a.m. – 8:00 p.m.) and nighttime (8:00 p.m. – 7:00 a.m.) noise level limits.

As a general rule, any lawn or grounds maintenance activities, and construction or building activities are exempt between 7:00 a.m. and 8:00 p.m., and are not subject to any noise level limits.

The City Council also authorized noise waivers for special circumstances where an event would fall outside the exempt time period, such as construction activities before 7:00 a.m., or an outdoor concert that went later than 8:00 p.m. at night. The Administrative Order containing noise waiver review criteria and policies can be accessed here. (Link). The noise waiver application form can be downloaded and printed off here. (Link to .pdf)

Noise complaints are addressed by the Billings Police Department. Any citizen noise complaint should be reported to the Billings Police at 657-8200.