

## ORDINANCE NUMBER 3685

**An ordinance amending Title 12 the Missoula Municipal Code amending Section 12.40.065 MMC to create Subsection 12.40.065 (A)(29) MMC, further defining amplified sound, and the terms under which it may be used and amending Subsection 12.40.065 (B) MMC to allow for additional, less restrictive, penalties for violation of Section 12.40.065 MMC.**

BE IT ORDAINED THAT Chapter 12.40, Section 12.40.065, of the Missoula Municipal Code be amended to create Subsection 12.40.065 (A)(29) MMC and that Subsection 12.40.065(B) MMC be amended as follows.

A. Unless used by Authorized Persons with the authorization of the Director of the City Parks and Recreation Department, the following activities are prohibited in any Missoula city park, trail, or conservation lands, without express written permission of Parks and Recreation Director or his or her designee. The City Parks and Recreation Board or City Parks and Recreation Director may establish administrative operating rules and policies in addition to the prohibitions set forth herein.

29. Amplified sound is prohibited in parks with the exceptions below and further defined in Exhibit C.

a. Small impromptu gatherings of 6 or fewer park users amplifying sound are required to adhere to restrictions set forth in Exhibit C designated as Type 2 community parks and Type 3 neighborhood parks.

b. A fee based amplified sound permit is required for large events of 7 or more park users as set forth in Exhibit C designated as Type 1 community parks and Type 4 neighborhood parks.

c. Amplified sound is defined as any powered sound device with a volume control.

B. A person engaging in any prohibited activity may be asked to leave City Parks and Recreation property or cease prohibited activities by any enforcement personnel identified in Section 12.40.080 A. and may be subject to the penalties set forth in 12.40.080 B.

### **Effective Date:**

This ordinance will be effective 30 days after passage.

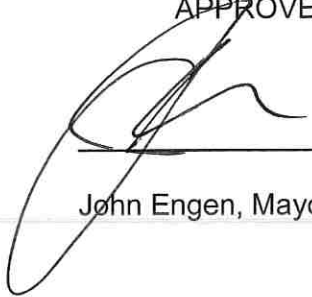
First reading and preliminary adoption on the 22<sup>nd</sup> day of March, 2021, by a vote of 11 ayes; 0 nays; 0 abstentions; and 1 absent.

Second and final reading and adoption on the 24<sup>th</sup> day of May, 2021 by a vote of 9 ayes; 2 nays; 0 abstentions; and 1 absent.

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Martha L. Rehbein, City Clerk

  
\_\_\_\_\_  
John Engen, Mayor



**Exhibit C – Amplification Permits in Parks, Open Spaces, or Trail Areas**

**It is unlawful for any individual or group of individuals to amplify sound of any kind in the following parks, open space, or trail areas:**

(see below for locations where permitted)

<b>Bancroft Ponds</b>
<b>Bellevue</b>
<b>Ben Hughes</b>
<b>Cattail Corner</b>
<b>Clark Fork Natural Area</b>
<b>Elms</b>
<b>Garland</b>
<b>Greenough</b>
<b>Hellgate</b>
<b>Heritage</b>
<b>Honeysuckle</b>
<b>Jacob’s Island</b>
<b>Kim Williams Natural Area</b>
<b>Lester</b>
<b>Lafray</b>
<b>Lincolnwood-North</b>
<b>Little McCormick</b>
<b>Moosecan Gully</b>
<b>Mount Jumbo</b>
<b>Mount Sentinel</b>
<b>North Hills Randolph</b>
<b>Penland</b>
<b>Pheasant Run</b>
<b>Powerline Easement - East</b>
<b>South Hills to Meadow Hill Safe Route to School (trail)</b>
<b>South Hills Spur Open Space</b>
<b>Syringa</b>
<b>Rainbow</b>
<b>Open Space at Tower Street</b>
<b>Wapikia</b>
<b>West Broadway Island Park</b>

**See Missoula Municipal Code sections 12.40.065 requirements and limitations.**

**Type P1 - Permit Required**

Community Park - Preplanned Public Event (advertised, print, social media, other)

Amplification Permit Required

Permit required for Groups  $\geq$  7 individuals

**Type P2 - Permit Not Required\***

**Restrictions in** Community Park - Impromptu

Public not invited, no preplanning involved

Impromptu does not disrupt Permitted Event

No Permit Required for Individuals or Groups  $\leq$  6

Time duration does not exceed 1 hour

## Exhibit C – Amplification Permits in Parks, Open Spaces, or Trail Areas

### **Type P3 - Permit Not Required\***

Neighborhood Parks with restrictions

Trails and Overlooks with restrictions

Permit Not Required for Individuals or Groups ≤ 6

Impromptu or with facility rental

**\*Restrictions-** must be a minimum of 100 feet away from any residential housing

Plainly audible sound needs to dissipate at a distance greater than 25' from its origin

Sound origination must be located no closer than 25' from edge of curb or sidewalk

Time Restrictions: Memorial Day-Labor Day (Mon-Thurs 11:00am - 8:00pm) (11:00am - 9:00pm  
Fri-Sat) All other months (Mon-Sun 11:00am - dark or 7:00pm, whichever is earlier)

Amplification not permitted during school hours if park is adjacent to a school

Time duration does not exceed 1 hour

### **Type P4 - Permit Required**

Neighborhood Park with restrictions from Type P3 with exceptions below

Planned event through Neighborhood Council

Group size ≥ 7 Individuals

Permit required - Time duration 2 hour restriction

### **Type P5 - No Amplified Sound**

Conservations Lands - no amplification permitted

Neighborhood/Pocket parks with no buffer zones

Any land not listed specifically allowing amplified sound - NO Amplification

### **Permit Type 1 and 2**

Bess Reed

BN Plaza/Circle Square

Bonner

Caras

East Caras

Fort Missoula Regional Park

McCormick

Memorial Rose Garden

Playfair

Silver

\*Caras Pavilion

*\*Contact Missoula Downtown Association for Permitting*

### **Permit Type 5**

Mount Jumbo

Mount Sentinel

North Hills

South Hills Spur

Tower Street

Neighborhood Parks Listed Above

### **Permit Type 3 and 4**

44 Ranch

Boyd

Downtown Lions

Franklin

Gregory

Jeffery

Kiwanis

Maloney Ranch

Marilyn

McLeod

MT Rail Link

Nicole

Northside

Pineview

Pleasant View

Sacajawea

Skyview

Southside Lions

Rattlesnake/Duncan Field

Toole

Westside

White Pine

Whitaker

## Exhibit C - Amplified Sound in Parks, Trails and Conservation Lands

Amplification Permit Requirements

Any public park land not listed - NO amplification

	Park Type 1	Park Type 2	Park Type 3	Park Type 4	Permit Type 5
Location	Permit Required - Events	Permit Not Required for Groups ≤ 6 *See Restrictions	Neighborhood Parks - Permit Not Required *See Restrictions	Neighborhood Parks - Permit Required *See Restrictions	No Amplified Sound - Nhd Park no buffer zone- Conservation - Wildlife
Commuter Trails	X	X			
44 Ranch			X	X	
Bancroft Ponds					X
Bellevue					X
Ben Hughes					X
Bess Reed	X	X			
BN Plaza/Circle Square	X	X			
Bonner	X	X			
Boyd			X	X	
Caras	X	X			
East Caras	X	X			
Caras Pavilion	X	X			
Cattail Corner					X
Clark Fork Natural Area					X
Downtown Lions			X	X	
Elms					X
Fort Missoula Regional Park Meadowlark Shelter	X	X			
Fort Missoula Regional Park Bella Vista Pavilion	X	X			
Franklin			X	X	
Garland					X
Greenough					X
Gregory			X	X	
Hellgate					X
Heritage					X
Honeysuckle					X
Jacob's Island					X
Jeffery			X	X	
Kim Williams Natural Area					X
Kiwanis			X	X	
Lester					X
Lafray					X
Lincolnwood-North					X
Little McCormick					X

### Permit Allowances

#### Type P1 - Permit Required

Community Park / Commuter Trails - Preplanned with Public Invited

Amplification Permit Required

Commuter Trails - individuals listening to music - no permit req.

#### Type P2 - Permit Not Required \*

\*Restrictions in Community Park - Impromptu

Public not invited, no preplanning involved

Impromptu does not disrupt Permitted Event

No Permit Required for Individuals or Groups ≤ 6

Time duration does not exceed 1 hour

#### Type P3 - Permit Not Required \*

Neighborhood Parks with restrictions

Trails and Overlooks with restrictions

\*Restrictions - Permit Not Required for Individuals or Groups ≤ 6

Must be a minimum of 100 feet away from any residential housing

Plainly audible sound needs to dissipate at a distance greater than 25' from its origin

Sound origination must be located no closer than 25' from edge of curb or sidewalk

Time Restrictions Memorial Day-Labor Day (Mon-Thurs 11:00am - 7:00pm) (11:00am - 8:00pm Fri-Sat) All other months (Mon-Sun 11:00am - 6:00pm)

Parks near schools - 3:00pm after school hours to end times above

Amplification not permitted during school hours if park is adjacent to a school.

Time duration does not exceed 1 hour

#### Type P4

Neighborhood Park with restrictions from Type P3 with exceptions below  
Planned event/meeting through Neighborhood Council

Permit required - Time duration 2 hours

## Exhibit C - Amplified Sound in Parks, Trails and Conservation Lands

Amplification Permit Requirements

Any public park land not listed - NO amplification

	Park Type 1	Park Type 2	Park Type 3	Park Type 4	Permit Type 5
Location	Permit Required - Events	Permit Not Required for Groups ≤ 6 *See Restrictions	Neighborhood Parks - Permit Not Required *See Restrictions	Neighborhood Parks - Permit Required *See Restrictions	No Amplified Sound - Nhd Park no buffer zone- Conservation - Wildlife
Maloney Ranch			X	X	
Marilyn			X	X	
McCormick	X	X			
McLeod			X	X	
Memorial Rose Garden	X	X			
Montana Rail Link			X	X	
Moosecan Gully					X
Mount Jumbo					X
Mount Sentinel					X
Nicole			X	X	
North Hills Randolph					X
Northside			X	X	
Penland					X
Pheasant Run					X
Pineview			X	X	
Playfair	X	X			
Pleasant View			X	X	
Powerline Easement - East					X
Sacajawea			X	X	
Silver	X	X			
Skyview			X	X	
South Hills to Meadow Hill Safe Route to School (trail)					X
South Hills Spur					X
Southside Lions			X	X	
Syringa					X
Rainbow					X
Rattlesnake / Duncan Field			X	X	
Toole			X	X	
Tower Street					X
Wapikia					X
West Broadway Island Park					X
Westside			X	X	
Whitaker			X	X	
White Pine			X	X	

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11:00am - 6:00pm)

Amplification not permitted during school hours if park is adjacent to a school

Time duration does not exceed 1 hour

#### Type P4

Neighborhood Park with restrictions from Type P3 with exceptions below

Planned event/meeting through Neighborhood Council

Permit required - Time duration 2 hours