

Memo



Date: May 21, 2023
To: Midway City Council
From: Michael Henke
Re: Special Event Temporary Use Permit for Noise

High Valley Arts Foundation (HVAF) is requesting a special event temporary use permit. The reason for the request is because decibel levels may exceed the approved amounts in the Municipal Code. Special events may apply for the permit at the discretion of the City Council.

The Code currently allows the following in Section 5.02.010:

Table 1 Noise Limit Chart

Maximum sound pressure level in decibels as measured on the A. Scale	
6:00 AM to 10:00 PM	10:00 PM to 6:00 AM
70 dBA	55 dBA

HVAF is currently planning the on-site rehearsals and performance of “Fiddler on the Roof” from mid-June to mid-July. The performances run from about 7 PM and will conclude by 10:30 PM and will be held at on 10-acre property just south of the commercial buildings located on the corner of 400 E and Main Street. Planned attendance will be about 300 for each performance. For the last 13 years the City Council has approved the sound variance and the readings taken at the performance found the sound level to be just slightly more than what is allowed. No complaints were received from neighboring residents.

Staff has worked with HVAF and discussed at length the requirements of the Municipal Code which include nuisance abatement (noise) and the Special Events Code. Two potential issues have been identified in those discussions. The first is traffic (HVAF had a traffic plan that worked well for the last 11 years, and they will have that same plan this year) and the second is potential noise created from the performances. For this reason, staff and the applicant held a “sound test” and measured the noise levels on-site.

A speaker was positioned above ground by about 20’ at the site of the stage for the performance. The speaker was also positioned to the northeast on the same angle that it will be set for the performance. Music from the production was then played and measured in six separate positions with a digital sound level meter or also known as a decibel meter. The ambient sound was also measured at each location. Here is a chart of the decibel levels:

Location	Measured Music dBA	Measured Ambient dBA
Next to speaker	77-83	61-62
100’ from speaker	72-78	54-57
200’ from speaker	62-68	51-54
Property line	53-65	53-58
Home to the north	55-60	55-58
Home to the east	52-62	52-58
Allowed by Code at Property Line	6am – 10 pm 70dBA	10 pm – 6 am 55dBA

It appears that the decibel levels at the property line will not be much more than what is allowed by the code for the 10pm – 6am requirements of 55dBA.

If the City Council decides to grant the special use permit, then the approval will only be for the aforementioned months. Staff will take some measurements during a performance if required by the City Council or if we receive complaints.

Please contact Michael at 435-654-3223 ext. 105 if you have any questions.