



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: April 16, 2024

NAME OF PROJECT: Proposed Code Text Amendment to Ch. 5.02.080 Outdoor Lighting and Glare

AGENDA ITEM: Amend Midway City Code Section 5.02.080, (D) Prohibitions, to add section (5) prohibiting artificial lighting on sports and recreations courts.

ITEM: 9

Proposal to amend Midway City Code Chapter 5.02.080 (Outdoor Lighting and Glare), Subsection (D) (Prohibitions), to add a new section 5 prohibiting artificial lighting on sports and recreation courts.

BACKGROUND:

At the City Council's regularly scheduled meeting of September 19, 2023, staff asked the City Council to review sports courts and their impact on surrounding properties. Typically building permits are not required and setbacks do not apply since a court is not defined as a structure. Although lighting requires a building permit, oftentimes landowners do not obtain a building permit before investing money in tall lights around sports courts, which do not always comply with the City's current lighting ordinance. City Council asked staff to investigate whether existing ordinances could be expanded to better regulate sports courts. Staff believe this can be accomplished and should begin with amendment of the City's light ordinance.

Midway City adopted its current lighting code in 2022. The stated purpose was:

“to restrict the use of outdoor artificial illuminating devices emitting undesirable light rays that: 1. Have a detrimental effect on astronomical observations. 2. Create a public nuisance.”

The Code requires that lights be fully shielded (full cut off), which is defined under C. (1) as follows:

C. Definitions

- 1. Fully Shielded. (full cut off) Fixtures shall be shielded in such a manner that light rays emitted by the fixture, whether directly from the lamp or indirectly from the fixture, are below a horizontal plane running through the lowest point on the fixture where light is emitted, thus preventing the emission of light above the horizontal. This fixture has a solid housing with a flat lens or bottom and the bulb is fully within the housing. This type of fixture provides optimum light control.*

The Code at B (2) provides:

Every outdoor light source shall be operated so that it does not emit a beam or intense glare beyond the property boundary. Such lighting shall be operated in a way that it is directed away from and shielded from any adjacent property and shall not detract from driver visibility on adjacent streets. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these factors.

The challenges posed by sports court lighting, which tends to be elevated, is that it is difficult to achieve full cut off without significant shielding because of the height of the light, and thus difficult to prevent light trespass to surrounding properties and roads. This is compounded by the fact that landowners often install lights without applying for a building permit or undergoing any review for compliance with the lighting code. When our office receives complaints and we must tell owners that their lights violate code, they tend to be displeased that they have to spend additional funds on retrofitting their lights or even replacing their lighting investment, and understandably do not want to hear that they cannot use their lights. Some have advised that to achieve compliance with Midway’s lighting code, their lights will not illuminate the court sufficiently to play at night.

ANALYSIS:

The popularity of pickleball in particular has grown, and along with it the number of pickleball courts, for several reasons, which include the following:

- It provides a fun, physical healthy activity.

- It appeals to all age levels and genders
- It is a sporting activity that families can participate in together with very minimal cost.
- It has become the sport of choice for the age demographic of 50 and older with many players over 65. For this age group it is considered a “LOW IMPACT” activity and thus is easier on your body.
- It is designed and ideal for players of all skill levels, beginners can easily learn the basics of the game and start playing games allowing them to advance to play more seasoned players.
- It inherently has a significant social aspect to it. Unlike other participation sports, pickleball is unique because players gather at the same time and therefore have many different players based on skill level. You can just show up and start playing with other players.
- Because of the social aspect for active seniors this has become the new place for active seniors to gather in a social setting promoting social interaction and building new friendships.
- The social component of pickleball is a major reason why communities are building pickle-ball complexes throughout Utah and the country, not individual courts in a public venue.

The biggest problems with sports courts, and pickleball particularly, tend to be noise and light trespass.

NPR reported that participation in pickleball nearly doubled in 2022 and increased 158% over three years. An article published by the New York Times on June 30, 2023, cites Bob Unetich, a retired engineer, avid pickleball player, and founder of the firm Pickleball Sound Mitigation as stating that “pickleball whacks from 100 feet away could reach 70 dBA”. Midway City Code Section 5.02.010 (Noise) restricts decibel levels to a maximum of 70 dBA between 6 A.M. and 10 P.M. After 10 P.M., it lowers to 55 dBA.

KSL reported on February 2, 2023, that its investigative team interviewed USA Pickleball managing director, Carl Schmits, who advised that after extensive research, USA Pickleball found that for sound levels to comply with 60 decibels, courts should be 200 feet from homes. KSL confirmed that the other issue stirring controversy is bright lights interfering with neighbors’ sleep.

Midway does not currently have setback requirements for sports courts, and pickleball courts constructed in Midway have not tended to have anything close to 100 foot or 200 foot setbacks. Since it is unlikely that most pickleball courts in Midway would meet

Midway's night noise ordinance of 55 dBA, this is another reason to support prohibiting artificial lights on courts.

To date, our office has received more complaints related to light trespass than noise, and lights investigated to date have failed to comply with the City's light ordinance for the reasons set forth above. With the typical height of light poles, mitigation is not easy or inexpensive. We anticipate the problem continuing to worsen with population growth, increasing density, and further construction of courts. These problems led Park City in the spring of 2022 to adopt a pickleball ordinance requiring a 600 foot setback unless sound studies showed the noise was below the Park City's threshold, in which case a 150 foot setback was required. This would effectively eliminate most sports courts in Midway.

Based upon the above, staff recommend prohibiting artificial lighting on sports and recreation courts. Given that we are entering a new construction season, staff further recommends that the City Council amend the lighting code sooner rather than later to prevent installation of any additional noncompliant lighting in Midway.

PROPOSED AMENDMENT:

Add 5.02.080 (D)(5)

Artificial lighting of private courts and/or fields used for sports and recreational purposes is prohibited.

POSSIBLE FINDINGS:

- Construction of sports courts is becoming increasingly frequent in Midway.
- Sports courts have many benefits, including promoting healthy forms of exercise, but also result in increasing complaints regarding noise and light trespass.
- Because of their elevation, the tall lights often constructed near sports courts tend to violate Midway's Lighting Code, which requires full cut off and prohibits direct light trespass beyond the property boundary.
- Based upon locally and nationally reported decibel levels associated with pickleball, use at a distance of 100 feet may violate Midway's daytime noise ordinance, and will almost certainly violate Midway's nighttime noise restrictions. Prohibiting artificial lighting should negate the latter.
- We anticipate complaints continuing and likely worsening with population growth, increasing density, and further construction of courts.

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds the proposal complies with the requirements of the Land Use Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s) if needed

2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.

Accept staff report

 - a. List accepted findings
 - b. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - c. Date when the item will be heard again

3. Denial. This action can be taken if the City Council finds that the request does not comply with the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS: None



Midway

ORDINANCE

2024-_____

AN ORDINANCE TO AMEND SECTION 5.02.080(D)(5) OF THE MIDWAY CITY MUNICIPAL CODE TO PROHIBIT ARTIFICIAL LIGHTING OF PRIVATE SPORT COURTS AND/OR RECREATIONAL FIELDS.

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Midway City has implemented certain code provisions for the purpose of restricting the use of outdoor artificial illuminating devices that have a detrimental effect on astronomical observations and that create a public nuisance; and

WHEREAS, for these reasons, the Midway City Council desires to add Section 5.02.080(D)(5), which would prohibit artificial lighting of private courts and/or fields used for sports and recreational purposes; and

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

The following Section of Chapter 5 shall be added:

Section 5.02.080. Outdoor Lighting and Glare

D. Prohibitions.

5. Artificial lighting of private courts and/or fields used for sports and recreational purposes is prohibited.

This ordinance shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2024.

	AYE	NAY
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member Craig Simons	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)