



Legislation Text

File #: RES PH 12-303, **Version:** 1

Approving the application of Team Ortho Foundation for a sound level variance in order to allow the use of an amplified sound system for the Monster Dash Post Race Party on October 27, 2012 from 9:00 a.m. to 3:00 p.m. at Upper Landing Park near the intersection of Old Chestnut Street and Shepard Road.

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Team Ortho Foundation, represented by Jackie Johnson, Race Director, who has been designated as the responsible person on the application, has applied for a variance to allow the use of an amplified sound system for the Monster Dash Post Race Party on October 27, 2012 from 9:00 a.m. to 3:00 p.m. at Upper Landing Park near the intersection of Old Chestnut Street and Shepard Road; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified sound system for the Monster Dash Post Race Party; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to the Team Ortho Foundation, subject to the following conditions:

- 1) The variance shall be for the hours of 9:00 a.m. until 3:00 p.m. on October 27, 2012 at Upper Landing Park near the intersection of Old Chestnut Street and Shepard Road.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured 50 feet from the sound source from 9:00 a.m. - 3:00 p.m.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring during the event.
- 4) All PA systems, loudspeakers or similar devices shall be turned off no later than 3:00 p.m. on October 27, 2012.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 27, 2012 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Team Ortho Foundation, represented by Jackie Johnson, Race Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow the use of an amplified sound system for the Monster Dash Post Race Party on October 27, 2012 from 9:00 a.m. to 3:00 p.m. at Upper Landing Park. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter

293.07.

Was proper notice given? YES - See Attachments