



Legislation Details (With Text)

File #: RES PH 15- 199 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 7/15/2015

Title: Approving Podium Sports Marketing's request for a sound level variance, in order to present amplified music and announcements at the Start at the East End of Upper Landing Park and Finish at Shepard Road and Sherman, for the Minnesota Half Marathon on Saturday, August 1, 2015 from 6:45 a.m. to 12:00 p.m., with a pre-event sound check from 6:45 a.m. until 7:00 a.m.

Sponsors: Dave Thune

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. Maps, 3. ENS, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant, 8. Gillats Letter

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 7/22/2015 | 1 | Mayor's Office | Signed | |
| 7/15/2015 | 1 | City Council | Adopted | Pass |

Approving Podium Sports Marketing's request for a sound level variance, in order to present amplified music and announcements at the Start at the East End of Upper Landing Park and Finish at Shepard Road and Sherman, for the Minnesota Half Marathon on Saturday, August 1, 2015 from 6:45 a.m. to 12:00 p.m., with a pre-event sound check from 6:45 a.m. until 7:00 a.m.

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, Podium Sports Marketing, represented by Marilyn Franzen, who has been designated as the responsible person on the application, has applied for a variance to present amplified music and announcements at the Start at the East End of Upper Landing Park and Finish at Shepard Road and Sherman, for the Minnesota Half Marathon on Saturday, August 1, 2015; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present the amplified music or announcements at the Start at the East End of Upper Landing Park and Finish at Shepard Road and Sherman, for the Minnesota Half Marathon; 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 sound level variance to Podium Sports Marketing, subject to the following conditions:

- 1) The variance will be for the Minnesota Half Marathon located at the Start at the East End of Upper Landing Park and Finish at Shepard Road and Sherman on August 1, 2015 from 6:45 a.m. to 12:00 p.m., with a pre-event sound check from 6:45 a.m. until 7:00 a.m.
- 2) All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 85 dBA, as measured 50 feet from any stage or sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices will be turned off by 12:00 p.m. on August 1, 2015.
- 5) A copy of this sound level variance must be maintained at the event location and be available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Podium Sports Marketing, represented by Marilyn Franzen, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music and announcements at the Start at the East End of Upper Landing Park and Finish Area at Shepard Road and Sherman, for the Minnesota Half Marathon on Saturday, August 1, 2015 from 6:45 a.m. to 12:00 p.m., with pre-event sound check from 6:45 a.m. until 7:00 a.m. 4. 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