



## Legislation Details (With Text)

**File #:** RES PH 18- 65      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 3/7/2018

**Title:** Approving the application of Team Ortho Foundation for sound level variances in order to present amplified sound at three (3) locations along the 2018 Get Lucky 7K race route on Saturday, March 17, 2018: CHS Field 360 N. Broadway Street; Sibley Street and Shepard Road; and Ontario Street and Shepard Road.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. CHS Field.Application, 2. Ontario St.Application, 3. Sibley St.Application, 4. ENS, 5. CHS Field.Map, 6. Ontario St.Map, 7. Sibley St.Map, 8. CHS Field.Notice to Prop Owners, 9. Ontario St.Notice to Prop Owners, 10. Sibley St.Notice to Prop Owners, 11. CHS Field.List of Owners, 12. Ontario St.List of Owners, 13. Sibley St.List of Owners, 14. Letter to Applicant

Date	Ver.	Action By	Action	Result
3/12/2018	1	Mayor's Office	Signed	
3/7/2018	1	City Council	Adopted	Pass

Approving the application of Team Ortho Foundation for sound level variances in order to present amplified sound at three (3) locations along the 2018 Get Lucky 7K race route on Saturday, March 17, 2018: CHS Field 360 N. Broadway Street; Sibley Street and Shepard Road; and Ontario 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 John Larson, Executive Director, who has been designated as the responsible person on the application, has applied for three (3) sound level variances to present amplified sound along the 2018 Get Lucky 7K race route: CHS Field, 360 N. Broadway Street; Sibley Street and Shepard Road; and Ontario Street and Shepard Road on Saturday, March 17, 2018, from 8:00 a.m. until 1:00 p.m. at CHS Field, and from 8:00 a.m. to 11:30 a.m. at Sibley Street and Shepard Road as well as at Ontario Street and Shepard Road, with a pre-event sound check at 7:45 a.m.; and

WHEREAS, if applicant is not granted the variances, applicant will not be able to present amplified sound at three (3) locations along the 2018 Get Lucky 7K Run race route; 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 Team Ortho Foundation, subject to the following conditions:

- 1) The variance will be for the 2018 Get Lucky 7K run to have announcements and music along the race route at the following three (3) specified locations: CHS Field, 360 N. Broadway Street, from 8:00 a.m. until 1:00 p.m.; Sibley Street and Shepard Road, as well as at Ontario Street and Shepard Road, from 8:00 until 11:30 p.m., with a pre-event sound check at 7:45 a.m.
- 2) All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 80 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 11:30 a.m. at Sibley Street and Shepard Road as well as at Ontario Street and Shepard Road, and turned off no later than 1:00 p.m. at CHS Field on March 17, 2018.

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.

Team Ortho Foundation, represented by John Larson, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide amplified music and announcements at three (3) locations along the 2018 Get Lucky 7K race route: CHS Field, 360 N. Broadway Street, from 8:00 a.m. until 1:00 p.m.; Sibley Street and Shepard Road; and Ontario Street and Shepard Road on Saturday, March 17, 2018 from 8:00 a.m. to 11:30 a.m., with a pre-event sound check at 7:45 a.m. 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