



Legislation Details (With Text)

File #: RES PH 16- 311 **Version:** 1

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

In control: City Council

Final action: 10/5/2016

Title: Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and/or use of musical instruments at Mississippi River Boulevard and Marshall Avenue on Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon.

Sponsors: Russ Stark

Indexes: Ward - 4

Code sections:

Attachments: 1. Application, 2. Map & Receipt, 3. ENS, 4. Map, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant, 8. Emails re TC Marathon noise variance

Date	Ver.	Action By	Action	Result
10/7/2016	1	Mayor's Office	Signed	
10/5/2016	1	City Council	Adopted	Pass

Approving the application of Twin Cities in Motion for a sound level variance in order to present outdoor announcements, speakers and/or use of musical instruments at Mississippi River Boulevard and Marshall Avenue on Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon.

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, Twin Cities in Motion, represented by Elizabeth Vincenty, Race Director, who has been designated as the responsible person on the application, has applied for a variance to present outdoor announcements, speakers and/or musical instruments at a requested sound level of 55 dBA to 65 dBA on Mississippi River Boulevard and Marshall Avenue; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 a.m. to 1:05 p.m., with a pre-event sound check from 6: 50 a.m. until 7:00 a.m. on Sunday, October 9, 2016 for outdoor announcements, speakers and/or musical instruments on Mississippi River Boulevard and Marshall Avenue during the Medtronic Twin Cities Marathon 2016 Event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present outdoor announcements, speakers and/or musical instruments on Mississippi River Boulevard and Marshall Avenue; 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 Twin Cities in Motion,

subject to the following conditions:

- 1) The variance will be for the Twin Cities in Motion, Medtronic Twin Cities Marathon 2016 on Mississippi River Boulevard and Marshall Avenue for the hours of 7:00 a.m. to 1:05 p.m., with a pre-event sound check from 6:50 a.m. until 7:00 a.m. on Sunday, October 9, 2016 for outdoor announcements, speakers and/or use of musical instruments.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 80 dBA as measured 50 feet from sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 1:05 p.m. on Sunday, October 9, 2016, the date of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Twin Cities in Motion, represented by Elizabeth Vincenty, Race Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor announcements, speakers and/or use of musical instruments, from 7:00 a.m. to 1:05 p.m., with a pre-event sound check from 6:50 a.m. until 7:00 a.m. on Sunday, October 9, 2016 during the Medtronic Twin Cities Marathon 2016 Event on Mississippi River Boulevard and Marshall Avenue. Chapter 293.09 provides for the granting of variances from the sound level limitation contained in Chapter 293.07.

Was proper notice given? YES - See Attachments