



## Legislation Text

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**File #:** RES PH 13-264, **Version:** 1

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Approving the application of Team Ortho Foundation for a sound level variance to allow the use of amplified sound systems for announcements and music at the Monster Dash 2013 Finish Line and Post-Race Party on October 26, 2013 from 9:00 a.m. to 3:00 p.m. at Upper Landing Park, 220 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 amplified sound systems for announcements and music for the Monster Dash 2013 Finish Line and Post Race Party on October 26, 2013 from 9:00 a.m. to 3:00 p.m. at Upper Landing Park, 220 Shepard Road; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified announcements and music for the Monster Dash 2013 Finish Line and 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 26, 2013 at Upper Landing Park, 220 Shepard Road
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 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 will provide continuous sound level monitoring during the event.
- 4) All PA systems, loudspeakers, or similar devices and music, shall be turned off no later than 3:00 p.m. on October 26, 2013.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 26, 2013 date may result in denial of future requests for the granting of a noise variance, in addition to any criminal citation which may be issued.

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 amplified announcements and music for the Monster Dash 2013 Finish Line and Post Race Party on October 26, 2013 from 7:30 a.m. to 9:00 p.m. at Upper

Landing Park, 220 Shepard Road.

Was proper notice given? YES - See Attachments