



## Legislation Text

**File #:** RES PH 13-185, **Version:** 1

Approving the application of John Larson, Executive Director of the Team Ortho Foundation, for a sound level variance for three (3) locations: 1) Upper Landing Park, 220 Shepard Road; 2) Shepard Road at Washington Street; and 3) Mississippi River Boulevard South at the Ford Dam site, as part of the Team Ortho Foundation - Women Rock race event on August 31, 2013.

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, John Larson, Executive Director of the Team Ortho Foundation, has been designated as the responsible person on the application, has applied for a variance for event announcers/recorded music and live music at locations: (1) Upper Landing Park, event announcers/recorded music/live music; (2) Shepard Road at Washington Street, event announcers; (3) Mississippi River Blvd South at Ford Dam site, event announcers/recorded music; and

WHEREAS, applicant is seeking a variance for the following times: Location (1) Upper Landing Park - 8:30 AM to 12:30 PM, Location (2) Shepard Road at Washington Street - 7:00 AM to 11:30 AM and Location (3) Mississippi River Blvd South at Ford Dam site - 7:00 AM to 8:00 AM; and

WHEREAS, if applicant is not granted a variance, they will not be able to present the race, get and keep people active, raise money for critical Orthopaedic research (Bone, Joint and Spine), and provide other related race event activities, 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 John Larson and the Team Ortho Foundation, for the following race event locations and subject to the following conditions:

1) Upper Landing Park, 220 Shepard Road

- a. Sound levels shall be limited to 80 dBA as measured 50 feet from noise source.
- b. Speakers and stage must be directed away from residential use properties.
- c. Variance will be for the hours of 8:30 AM to 12:30 PM on August 31, 2013.
- d. Sound check shall begin no earlier than 8:00 AM; music shall begin no earlier than 8:30 AM. All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:30 PM.

2) Shepard Road at Washington Street - Start/Finish Line

- a. Sound level shall be limited to 80 dBA as measured 50 feet from noise source.
- b. Speakers must be directed away from residential use properties.
- c. Variance will be for the hours of 7:00 AM to 11:30 AM on August 31, 2013.
- d. All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 11:30 AM.

3) Mississippi River Blvd South at Ford Dam site - Start Line

- a. Sound level shall be limited to 80 dBA as measured 50 feet from noise source.
- b. Speakers shall be directed away from residential use properties.
- c. Variance will be for the hours of 7:00 AM to 8:00 AM on August 31, 2013.
- d. All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 8:00 AM.

FURTHER RESOLVED, that any violations of the conditions set forth above may result in a criminal citation and/or the denial of any future variance requests.

John Larson, Executive Director of the Team Ortho Foundation, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a race event that will help get and keep people active, raise money for critical Orthopaedic research (Bone, Joint and Spine), and provide other related race event activities at three (3) locations on Mississippi River Blvd South and Shepard Road on August 31, 2013. 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