



## Legislation Text

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**File #:** RES PH 16-210, **Version:** 1

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Approving the application of Team Ortho Foundation for a sound level variance in order to present pre-race and post-race announcements with the use of an amplified sound system, on Shepard Road between Jackson and Sibley, for the Rio Run on Saturday, July 16, 2016.

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 Marlene Earll, Director, who has been designated as the responsible person on the application, has applied for a variance, at no specified sound level limit, to present pre-race and post-race announcements with the use of an amplified sound system on Shepard Road between Jackson and Sibley for the Rio Run on Saturday, July 16, 2016; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present pre-race and post-race announcements with the use of an amplified sound system on Shepard Road between Jackson and Sibley; 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 Rio Run with an amplified sound system for announcements from 6:00 p.m. to 10:00 p.m., with a pre-event sound check at 5:45 p.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 10:00 p.m. on July 16, 2016.
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.

Team Ortho Foundation, represented by Marlene Earll, Director, has requested an exemption from the sound

level limitations in Chapter 293.07 in order to present announcements with use of an amplified sound system for pre-race and post-race announcements on Shepard Road between Jackson and Sibley for the Rio Run on Saturday, July 16, 2016 from 6:00 p.m. to 10:00 p.m., with a pre-event sound check at 5:45 p.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